

LLP-ERASMUS
Intensive Program

Internet advanced promotional tools application for increasing awareness of
social exclusions movement

Sexual bias exclusion in France

Report prepared under supervision of Daniel MADEC and Jennifer FORD

By :

- 1) BARE Matthieu
- 2) RIBEIRO DE ABREU Nicolas
- 3) TOUIMI BENJELLOUN Yacine

Katowice, 2014



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Introduction:

In its most violent form, homophobia and all other forms of discrimination against people based on their sexual orientation expressed by physical violence can escalate the hustle, the beatings, rape and even murder. In a more everyday form, they result in reactions, acknowledged or not, rejection, exclusion: verbal or written abuse, humiliation, harassment, denial of service, damage to property and discrimination. They can also manifest as taboo. They occur in all areas of life: family, friends, environment, neighborhood, work, college, shops, services, administrations, public places ... Since 2003 and 2004, the French law punishes more severely assaults and insults motivated by homophobia. They are just as criminally reprehensible like racist behavior.

So exclusions are at different levels. For example, there are verbal exclusions, mental exclusions, exclusion from the labor exclusion, in society or personal exclusion. Verbal exclusion is also when we use derogatory words we joke about homosexuals; it exists almost everywhere in France. There are always French peoples who say that homosexuals are "different" than others, there it is verbal discrimination. Some people think that gay men have traits of female characters, and that homosexuals have feminine traits of male characters. This maybe can be true in certain individual, while there is any way to homosexuals who have the most obvious characteristics of their gender.

Homosexuals face discrimination in their lives. Homosexuals undergo further pressure from their families. When parents do not "allow" their children to be gay, they put them out of home, they break the relationship with their own children. However, parents do not understand that this is not something that children can decide. Homosexuality could sometimes be innate, it is not always possible to choose sexual orientation.

In France, the fight against the sexual bias exclusion is became a huge fight for the Nation.

"La France continuera de mener tous ces combats : pour l'abolition de la peine de mort, pour les droits des femmes à l'égalité et à la dignité, pour la décriminalisation universelle de l'homosexualité, qui ne peut pas être reconnue comme un crime mais au contraire comme la reconnaissance d'une orientation."

François Hollande, President of French Republic

("France will continue to conduct all these battles: the abolition of the death penalty for women's rights to equality and dignity for the universal decriminalization of homosexuality, which cannot be recognized as a crime but rather as recognition of an orientation")



I- Level and structure of sexual bias exclusion

a) Level of sexual bias exclusion in France

If the violence are difficult to quantify today, the 2013 report of SOS Homophobie reported a 27% increase in the number of reports of homophobic acts and according to the association, the largest increase seen in eight years.

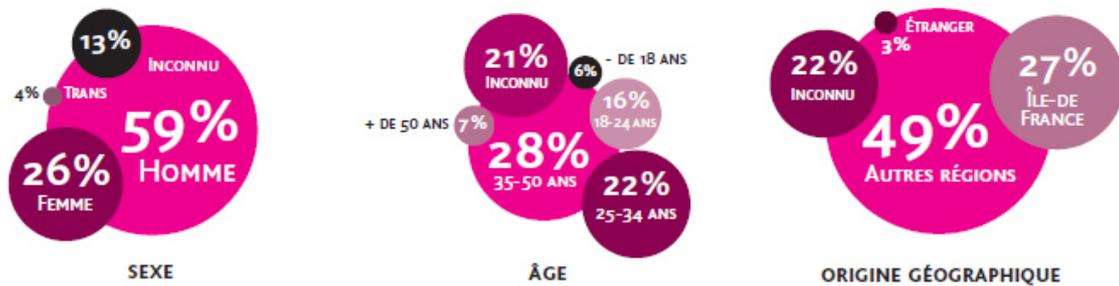
Physical attacks homophobic and transphobic remain a painful problem in France since 2012. 122 cases were reported, 30 fewer than in 2011. They represent 7% of all the evidence. The general profile of victims are lesbians, gay, bisexual and transgender varies little from one year to the next, however there is a larger share of reported assaults (they spend 61% to 66% of the total). If transgender people represented 7% of total testimony, no significant changes on the part of aggressor are men, alone or in groups, are involved in 95% of physical assaults. Public places remain the first context, the physical assault, with half of the reported cases. This year, many cases are reported to the scene of dredge or output gay clubs, and throughout France. The Parc de la Villette and the Jardin des Tuileries in Paris have been reported several times. Particularly violent attacks have been committed: ambush, rape, beatings and attempted murder. Violent acts sometimes have a villainous character: the aggressor as imagine that those attacked would not dare call the police or file a complaint for fear of revealing their sexual orientation. But these attacks are usually only motivated by hate rejection of homosexuals and trans -s. Note also that violent attacks, sometimes filmed, took place on 17 and 18 November 2012 during demonstrations opposing in the opening of homosexuals couples wedding, in Paris and in region. Was able to see a man in a cassock away without assistance to a woman pursued and beaten by many men...

Attacks made by the neighborhood accounted for 20% of the total. They always put the victims in great distress and great fear that the facts can be repeated. They complain that reports to the police insults or damage did not result in reactions of police, until we come to physical attacks. 16% of physical assaults occur within the family or friendly environment. Teenagers and young adults are abused one day by their own parents, who do not support homosexuality of their child. These acts may be a spontaneous reaction to the discovery of homosexuality, or the culmination of the long maturation of their rejection. Other young people have been hit by a brother for example. It is difficult to imagine a complaint against a member of their family. For young people who have suffered abuse in college or high school, it is rarely occurred suddenly: it is the culmination of weeks or months of teasing, insults, shelved, ignorance. And in many cases, these physical and verbal attacks will be repeated for several months or even years. These students are clueless when aggression is coupled with a lack of response and support of witnesses and / or their friends and classmates. Then they express a feeling of great loneliness.

Absence of witnesses, difficulty of identifying perpetrators, fear of revealing his homosexuality, there are many reasons that hinder victims in their desire to obtain redress by complaining. Finally, note that the violence related to sexual orientation or gender identity is not only the problem of LGBT people: heterosexual people were also victims of insults and beatings because of an alleged homosexuality. The seriousness of the facts that are repeated year after year reinforces the urgency of developing preventive actions of homophobia, transphobia and sexism by the deconstruction of stereotypes and prejudices, from an early age.

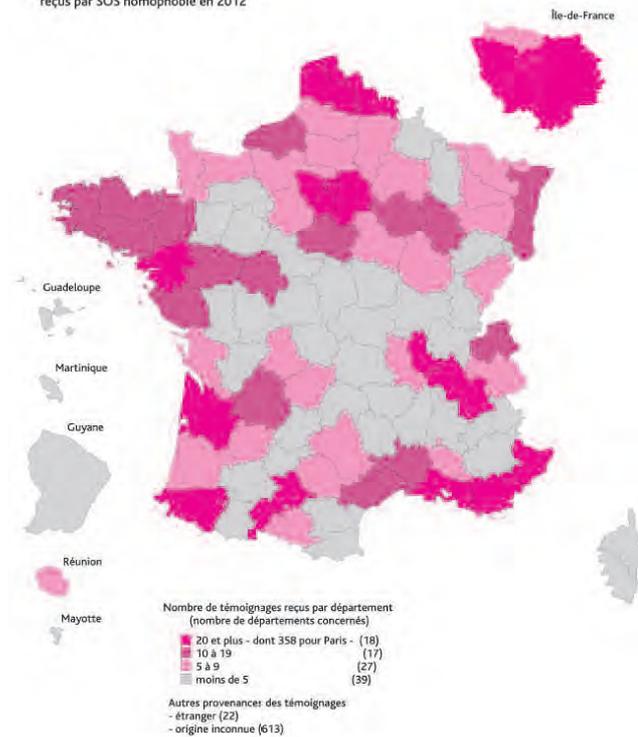


b) Structure of sexualbias exclusion in France



The profile of people reporting abuse varies a little: it is mainly men aged of 25-49 years, residing mostly outside the capital. The number of women reporting assaults, it is still largely minority, increased again in 2012: the case of lesbophobia increase of 30%, the same rate as the total number of cases. The distribution of testimonies by age is different between women and men. The proportion of women under 25 years is more important. Many women testify in the contexts of work, public places and especially the family, where they represent more than 40% of victims.

Répartition par département des témoignages reçus par SOS homophobie en 2012



II- Causes and consequences of sexual bias exclusion

• SOCIAL PRESSURE AND LOW SELF-ESTEEM

Social pressure leads to a highly damaging internal conflict to the health of these young people.

Young people face many pressures to a membership model dominant heterosexual. This membership is too often suffered and thus led to the emergence of psychological problems - including depression - and the development of suicidal behavior.

However, homosexuality is not a choice.

The feeling of personal or social inadequacy and difficulty in accepting as homosexual or bisexual also contribute to a young person maintains a poor self- esteem. All this leads to withdrawal and loneliness.

This very low self-esteem is due to the negative image of homosexuality, the experiences, the daily discharges impairment and difficulties in socializing with other young people and with the environment in general.

Adolescents have few models that cling and these young people build without positive role model. Homosexuality is still associated with a negative image and adolescents must deal with this reality to build a positive image of them. The lack of positive role models available to young people leads to a denial of their own person and internalized homophobia which may extend the desire to die.

Thus, the rate of suicide among young gay is not the result of an intrinsic feature about sex, but the individual response to a negative social stigma.

The term homophobia refers to the explicit or implicit hostility suffered by homosexuals. This hostility is the fear, hatred, aversion or disapproval of homosexuality. Homophobia exists in different forms more or less violent. Homophobia language (insults, mockery), personal homophobia, people then feel that homosexuals are abnormal, institutional homophobia because institutions and laws do not promote the integration of these individuals, but also internalized homophobia and gay, in fact they include prejudice, homophobic social norms and thus devalue themselves.



The consequences of this exclusion

Suicide:

As we have seen above, we can see that the homosexual person is rejected virtually the same company. This rejection is particularly problematic during adolescence, during which the individual is in search of his sexuality and identity. Indeed, despite the large number of major figures homosexual, this aspect of their personality has been erased from school textbooks. Arrived at this important time, gay teenagers faces to the lack of adult reference models. The formation of his personality is made more difficult, making the individual more fragile. And even if the crisis can be overcome, the discomfort can extend his life. The subject also what homosexuality remains a taboo in some families taboo that leads to isolation and the weakening of the personality of the individual concerned. We can add to this insults and almost permanent discrimination and we can easily understand that the rate of suicide and attempted suicide among young homosexual (SW) is particularly high. However, official studies on this subject still very rare, the numbers are very random and more or less reliable. For example, according to Mr. Versini (child advocate to French government) says that a quarter of suicide attempts by males aged 15-24 years and 10 % of those girls of the same age would be related to homosexuality. But these figures seem very low compared to more frequent and more extensive studies of our neighboring countries.

The combination of community:

The main response to the rejection of society is the grouping of homosexuals in places (bars, associations, club ...) individuals where it is easier and safer to gather there. There has also been an exodus from the countryside to the cities, where homosexuals are hoping to find anonymity allowing greater sociability, including lifestyle choices.

This group of community is not a refusal to integrate, but a group of people struggling to improve their fate and acquire rights in full equality with heterosexuals.

This gathering also allows homosexuals to assert creativity, humor, feelings, and a way of thinking still not accepted by a fearful society where homosexuality is still subject to discrimination.



III- Government role in preventing sexual bias exclusion

➤ Actions whose are taken by government and local authorities

Through this program, released today by the Minister of Women's Rights, the State undertakes for the first time in a coordinated against homophobia declined in five policy areas:

Fight against violence: the Government shall annually on the numbers of homophobia. So nobody hesitates to complain against violence or homophobic discrimination, an information campaign will be implemented in 2013. Sessions multidisciplinary training for the fight against this violence will be held to the attention of police, cops and judges, from the fall 2013 to facilitate the collection of complaints, hearing frames will be developed;

Rely on youth to change attitudes: issues related to sexual orientation will be further addressed in the curriculum. Personal integrate these issues into their teaching in relation to the topics covered in the course, and differentiated from primary to high school approaches. Associations that offer school-based interventions against homophobia will be a national accreditation;

Act against discrimination in everyday life: the state will mobilize against discrimination in employment in the public sector and the private sector. The charter of equality in the public will be reviewed as part of the social agenda, highlighting the values of public services. In this context, equal rights and the fight against discrimination committed because of sexual orientation and gender identity will be reaffirmed;

Revive the international struggle for LGBT rights: France will boost the initiatives to promote the adoption of a UN resolution on the universal decriminalization of homosexuality. At European level, it will make proposals to establish a common vision of the members of the European Union in the form of guidelines states, which will mobilize the European External Action Service. Protection of asylum seekers in danger in their country because of their homosexuality will be strengthened.

Minister of Women's Rights coordinate the implementation of this program and monitor the implementation, in conjunction with the relevant ministers



➤ National and regional policy

At the international level

France is a part of the International Convention on the Elimination of All Forms of Racial Discrimination. As a party, it is required to report to the Committee (CERD) of the implementation of the provisions of the Convention.

In addition, France is actively engaged and vigilant in the monitoring process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001. Follow-up work are intended to allow an assessment of the fight against racial discrimination, increased awareness of racism and its consequences, the formulation of consensus at the United Nations and the United recommendations.

At European level

France supports the work of the Council of Europe, which deals with this issue through the European Commission against Racism and Intolerance (ECRI), and those of the Organization for Security and Cooperation in Europe (OSCE) . Within the OSCE, France supports in particular the programs implemented by the Unit tolerance and non-discrimination of the Office for Democratic Institutions and Human Rights (ODIHR).

France has also recently worked for the adoption of the Framework Decision on the fight against certain forms and expressions of racism and xenophobia by means of criminal law, proposed by the European Commission in 2001 and adopted on 28 November 2008, under the presidency French EU.

At the national level

Accordance with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD) and its commitment to this occasion, a national action plan against racism and anti-Semitism was adopted in February 2012 and an interministerial delegate for the fight against racism and anti-Semitism was appointed. The latter's mission is to ensure the animation interdepartmental working and coherence of the State on the field and play a leadership role, proposal and evaluation . It is also responsible for the coordination and implementation of the national action plan and to prepare the meetings of the Interministerial Committee for the Fight against racism and anti-Semitism, created in 2003.

The repressive level, France has gradually a criminal device copy at international level, cultural and sporting education policy that addresses all aspects of the fight against racism and anti-Semitism and promotes practice equal opportunities.



IV- Institutions and their actions

Laws in France:

In the early 2000s, several texts are enacted or amended by the National Assembly legislating the fight against violence perpetrated against individuals because of their actual or perceived sexual orientation: it is the intention of the perpetrator counts, namely his homophobic motive equated with a racist motive. Homophobia can be an aggravating circumstance for certain offenses, that is to say, it can weigh the penalty - Article 132-77 of the Penal Code requires external manifestations of homophobia concomitant with the offense.

- Murder: entails the penalty of 30 years to life imprisonment;
- Torture and acts of barbarity raises the penalty from 15 years to 20 years' imprisonment;
- Violence causing death without intention to kill: raises the penalty from 15 to 20 years ' imprisonment;
- Violence causing mutilation or permanent infirmity raises the penalty from 10 to 15 years ' imprisonment;
- Violence causing a total incapacity for work for more than 8 days: entails the penalty of three years imprisonment and a 45,000 euro fine to five years imprisonment and a fine of € 75,000;
- Violence causing incapacity for work exceeding 8 days: raises the penalty for a contravention of the fifth class to imprisonment for 3 years and fine of € 45,000;
- Rape: entails the penalty from 15 to 20 years ' imprisonment;
- Sexual assault other than rape: entails the penalty of 7 years imprisonment and a 100,000 euros fine to 10 years imprisonment and a 150,000 euros fine;
- Injury or not public defamation entails the penalty for a contravention of 1st class to a contravention of the fourth class;
- Public defamation raises the fine of 12,000 euros to 1 year imprisonment and a fine of € 45,000;
- Public insult: entails the fine of 12,000 euros to imprisonment for six months and a fine of EUR 22 500;



- Flight: student the penalty of 4 years imprisonment and 45,000 euros fine to 5 years in prison and 75,000 euros fine;
- Extortion: student the penalty of 7 years imprisonment and a 100,000 euros fine to 10 years imprisonment and a 150,000 euros fine;
- Threat to commit a crime or offense when either repeated or evidenced in writing , picture or other object raises the penalty of six months imprisonment and a fine of € 7,500 for 2 years imprisonment and a fine of € 30,000 ;
- Threat of death or when repeated , is evidenced by a writing, picture or other object raises the penalty of three years imprisonment and a fine of 7,500 euros to 5 years imprisonment and 75 000 fine;
- Threat to commit a crime with the order to fulfill one condition: the student penalty of 3 years imprisonment and a 45,500 euro fine to five years in prison and 75,000 euros fine;
- Threat of death with the order to fulfill one condition: the student penalty of 5 years imprisonment and a fine of € 75 000 to 7 years imprisonment and a 100,000 euros fine;

Homophobia can be repressed as a specific offense

- Incitement to hatred or violence or discrimination based on sexual orientation: 1 year in prison and 45,000 euros fine

Discrimination by private persons (Article 225-1 to 225-4 of the Criminal Code).

- Refuse to supply a good or service: for example the case of an owner of an apartment, having learned that his tenant is homosexual, imposes exorbitant additional conditions, or if a dentist refusing care to a person with HIV, or those of a hotel refusing a room to a homosexual couple;
- Interference with the exercise of an economic activity without targeting specific actions , such criminalization is all exercised by a person means (pressure, denigration , boycott) against a person because of their sexual orientation, health condition or disability, sex in order to make the exercise of its activity more difficult;
- Employment discrimination during the employment contract and upon dismissal (to help the victims), the law of 31 March 2006 introduced a provision allowing the "testing" to facilitate the burden of proof. Article 225-3-1 of the Penal Code has spent the legality of this type of evidence.

Such discrimination is punishable by 3 years in prison and 45,000 euros fine. The penalty is increased (5 years imprisonment and a 75,000 euro fine) when the discrimination takes place



in a place open to the public or is to deny access to such a place.

Discrimination committed by a person holding public authority or discharging a public service mission in the performance of his duties or tasks.

- Denial of benefit of a right (eg , blood donation is not a right but a civic duty on public health);

- Interference with the exercise of an economic activity that can manifest a clear delay in how to handle a request, the walk administered by requiring unnecessary formalities for example.

These acts are punishable by 5 years imprisonment and a 75,000 euro fine. Note: Beyond the discriminatory acts, the law also punishes incitement to discrimination. Discrimination related to transsexualism is considered like discrimination based on sex.



V- Other activities against sexual bias exclusion

The following list regroups different action against people who chose a different sexual orientation:

February 10, 2012

The website Political Freedom published a video where Christian Vanneste, deputy North (Right People / UMP) speaks of "the legend of the deportation of homosexuals": "In Germany, there was a repression of homosexuals and deportation that conduit at about 30 000 deported. And there was none else. (...) There was no homosexual deportation in France. "Vanneste subsequently dismissed the legislative elections by the UMP.

February 11, 2012

Nicolas Sarkozy opposes the legislation on marriage for all, confident Figaro Magazine that " in these troubled times, I do not think we should confuse the picture of this essential institution of marriage." March 13, 2012 - Justice - Conviction for homophobic assault in Lyon, following an assault and insults against homophobic motivation of participants in the Pride march in 2010, two men were sentenced (18 and 12 months in prison) . Girls, who were also not lesbians, wore a rainbow flag.

March 15, 2012

The European Court of Human Rights decided that the refusal by France (first Nanterre court, the Court of Appeal of Versailles then) to authorize the adoption of a child by his mother 's companion even if the student daily, is not discrimination.

May 13, 2012

At the invitation of the Civitas Institute, a demonstration was organized in Paris to protest against the "promises destructive for the country" Francois Hollande, the newly elected president. It brings together 1,500 protesters according to police, and 6,000 according to organizers.

May 29, 2012

In the Var, a lesbian couple is attacked by neighbors, after several acts of hostility. The doctor gives them 26 and 27 days of total incapacity for work (ITT). The police refused any action, and the village mayor said: "I women I prefer in my bed. I invite you to leave the village. "

August 15, 2012

A prayer of Cardinal Vingt-Trois, played during celebrations of the feast of Assumption, contains a political message opposing the bill on marriage for all; Cardinal asks elected officials to ensure that "children and youth " can" fully benefit from the love of a father and a mother."



August 17, 2012

Franck Margain , vice president of the Christian Democratic Party and regional elected UMP, publishes an article in Le Monde, where the word pair is placed between quotation marks in the homosexual context, where the new law is interpreted as the opening to "market of the child. "

September 14, 2012

Cardinal Philippe Barbarin , Archbishop of Lyon , said that marriage for all opens the door to polygamy and incest . It would be for him to "break a company."

October 3, 2012

The UMP mayor of the 8th arrondissement of Paris , François Lebel, in an editorial published in a newspaper of municipal information says that the marriage will take away all the reasons to prohibit "consanguineous marriages, pedophilia, incest ."

October 6, 2012

Xavier Lemoine, mayor of Montfermeil (Seine -Saint- Denis , Christian Democratic Party) says the Monde.fr his refusal to celebrate gay marriage in the town hall , hoping that future legislation will provide a conscience clause .

October 10, 2012

Le Monde reported on the statements of hostility mayors before the new bill; they were collected especially from Jean- Claude Bellini (various mayor left Chaux , Côte- d'Or), Bruno Bethenod (various mayor right Arceau , Côte- d'Or), and Ginette Raynaud (UMP mayor of Saint Pierre Calamine , Puy -de- Dôme) .

October 18, 2012

Gilles Bernheim , Chief Rabbi of France , published an essay Gay Marriage, gay parenting and adoption: what we often forget to say. He claims to refute all the arguments in favor of marriage for all and declares war on "gender theory ". These ideas will be taken over by Pope Benedict XVI 21 December 2012.

October 26, 2012

The criminal court of Bourges condemns a man who refused (in 2007) to sell the land after learning that potential buyers were lesbians , 800 euro fine , 500 suspended.

November 8, 2012

In Strasbourg, a young gay man is insulted and attacked on a streetcar; he calls the police with his cell phone, and two assailants were immediately arrested and placed in custody.



Now, we are going to present special actions against sexual bias exclusion in France in 2012:

January 26, 2012

The 31st commitment Socialist candidate Francois Hollande's presidential election promises the opening of the "right to marriage and adoption to homosexual couples."

February 11, 2012

The first "marriage" gay in Ile -de- France is celebrated in Villejuif (Val -de- Marne) between two men PACS decade by Claudine Cordillot the PCF mayor. Without legal status, marriage has value primarily symbolic.

February 13, 2012

Launch, in the context of presidential and parliamentary elections imminent, site LGBT Equality in 2012, uniting the LGBT Federation, ICF and Inter -LGBT, which represent 90% of lesbians, gays, bi and association members .

February 13, 2012

The principle of paternity leaves of 11 days for joints homosexuals was accepted by the telecommunications group SFR to its employees.

February 18, 2012

In Sevran held a wedding ceremony celebrated as a Muslim, among the spokesman of the group Gays and Muslims in France (HM2F) Ludovic Mohamed Zahed and his companion Qiyaam .

September 23, 2012

The first French survey biphobia is launched on the occasion of the International Day of bisexuality by MAG LGBT youth, SOS Homophobia, Bi'cause, Act Up-Paris and independent activists.

September 25, 2012

During the 67th General Assembly of the United Nations in New York, François Hollande appeals to the universal decriminalization of homosexuality.

November 7, 2012

In France, the Council of Ministers adopted the draft law of marriage for all.

November 30, 2012 - Religion - Islam

Ludovic-Mohamed Zahed announces the opening in the Paris region, a prayer room "egalitarian and inclusive ", also open to Muslims homosexuals.

December 16, 2012 - Demonstration for equality

60 000 to 200 000 people gathered at the rally for equality, for defending marriage, adoption and PMA for homosexual couples.



Conclusions:

As we can see in this report that sexual bias exclusion is a huge problem in France and in Europe. Homophobia is a form of racism calling for vigilance and response. Whenever it is openly or insidiously expressed within and outside the company, it must be denounced and fought with the greatest firmness. But homosexuality remains a sensitive subject, ignorance, derision, controversy and sometimes total rejection. We have to act against this way of exclusion. Several things could be done for this. But the task is made difficult by the fact that victims often suffer in solitude and even guilt, attacks on their dignity and they turn more readily to the associations to defend their rights.

It's really necessary to involve all the actors of the public life, like schools, colleges, politicians... To establish a prevention policy. Explain the diversity, reassure and enhance the acceptance of sexual orientation and gender identity: as many goals as we continue in our struggle, through the work of all our records commissions. Beyond that, it is to recognize homophobia as a crime and to ensure that it now exists for an association, a trade union to bring a civil action against homophobic acts. It is also public authorities to obtain information work and training to the public in the fight against hatred in all its forms, to raise certain professionals, such as teachers, social workers approach and a cleared understanding of intolerance, a priori and open to the rights of people.



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