

# French Focal Point: CEDRA

## Complementary Data Collection ANNEXES

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## Annex 1 – Statistical Data and Tables

### Equality Body

	2006	2007	2008
Complaints regarding ethnic discrimination received by Equality Body	1,422	1,690	Not available yet
Number of <u>ethnic discrimination</u> established by Equality Body	Not available		
Number of <u>discrimination</u> established by Equality Body	2,925	4,488	
Follow up activities of Equality Body, once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	NB : When a claim is submitted to the council decision, there is always a settlement of the HALDE (délibération de la HALDE)		
	Court proceedings : 48 Notification of the law : 42 Recommendations : 151 Referral to public prosecutor's office : 42 Mediation : 33 Penal transaction (fine) : 20	Court proceedings : 115 Notification of the law : 24 Recommendations : 332 Referral to public prosecutor's office : 2 Mediation : 49 Penal transaction (fine) : 28	
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) in your country for the thematic areas of Employment, Housing, Healthcare, Education etc. (if possible, disaggregated by gender and age).	Not available		
Range of sanctions and/or compensation* in your country (please disaggregate according to type of sanction/compensation)	Not available		

\* Range of sanction in France regarding ethnic discrimination

Discriminatory acts are punishable by a maximum of three years imprisonment and a €45,000 fine for private individuals. The maximum fine may be up to five times higher if a legal entity is liable. Furthermore, additional penalties may be imposed both on individuals<sup>1</sup> and legal entities<sup>2</sup>.

Under article 432-7 of the Penal Code, anyone entrusted with public authority or any citizen in charge of a public service who impedes the ordinary running of a business by boycotting a company on the grounds of its origin or the origin of its managers or directors, or failure to grant a right enjoined upon them by law e.g. denying a promotion or failing to deliver a deed. Convicted offenders may receive a maximum sentence of five years imprisonment and a €75,000 fine. Additional sentences may be imposed on them<sup>3</sup>.

<sup>1</sup> Article 225-19 of the Penal Code. For instance, the convicted person's business may be closed or the sentence may be published.

<sup>2</sup> Article 131-39 of the Penal Code

<sup>3</sup> Article 432-17 of the Penal Code

**Comparative table of claims registered in 2006 and 2007 by criteria**

	2006		2007	
	Number of claims	Percentage of total	Number of claims	Percentage of total
Origin	1422	35	1,690	27
Health/disability	756	18	1,349	22
Age	251	6	391	6
Union activity	150	3	372	6
Gender	203	5	366	6
Family/marital status	83	2	152	2
Sexual orientation	61	1	113	2
Religious beliefs	54	1	110	2
Physical appearance	29	0	79	1
Political opinions	57	1	39	1
Genetic characteristics	1	0	0	0
Other*	991	24	1,561	25
<b>TOTAL</b>	<b>4058</b>	<b>100</b>	<b>6,222</b>	<b>100</b>

*\*The "Other grounds" item encompasses prohibited by law but not included in the chart, consisting mainly of claims that do not involve discrimination.*

**Comparative table of claims registered in 2006 and 2007, by area**

	2006		2007		
	Number of claims	Percentage of total	Number of claims	Percentage of total	
<b>Employment</b>					
Recruitment (private sector)	332	8	509	8	50
Career (private sector)	726	17	1,487	24	
Recruitment (public sector)	160	3	263	4	
Career (public sector)	522	12	858	14	
Regulations	287	7	509	8	20
Public service operations	624	15	757	12	
Private goods and services	384	9	825	13	
Public housing	91	2	202	3	6
Private housing	86	2	178	3	
Education	220	5	284	5	
Other*	626	15	350	6	
<b>TOTAL</b>	<b>4058</b>	<b>100</b>	<b>6,222</b>	<b>100</b>	

*\*The item "Other areas" comprises areas not falling within the jurisdiction of the HALDE.*

<b>MEASURES ORDERED BY THE COUNCIL</b>			
	2005	2006	2007
Court proceedings	1	48	115
Notification of the law	0	42	24
Recommendations	29	151	332
Referrals to the public prosecutor's office	14	42	2
Mediation	1	33	49
Penal transaction involving the payment of a fine	0	20	28
Rejected claims*	62	8	8
<b>TOTAL</b>	<b>107</b>	<b>344</b>	<b>558</b>

*\*The Council may also find, upon investigation, that certain claims either do not lie within its jurisdiction or have no legal or factual grounds.*

<b>OUT-OF-COURT SETTLEMENTS*</b>			
	2005	2006	2007
The parties reach a settlement Once the claim has been lodged	59	197	279

*\*Cases in which, during the course of the investigation, the parties inform the HALDE that they have reached a settlement out of court.*

<b>REDIRECTED CLAIMS *</b>			
	2005	2006	2007
Transfers to the public prosecutor's office (Art. 40)	16	4	0
Referrals to other bodies	122	529	4,998
<b>TOTAL</b>	<b>138</b>	<b>533</b>	<b>4,998</b>

*\*A special effort is made so that individuals who mistakenly turn to the HALDE are guided towards the institution best qualified to provide them with assistance. These are claims redirected to other independent statutory authorities: the National Ombudsman (Médiateur de la République), the National Commission for a Security Code of Conduct (Commission Nationale de la Déontologie de la Sécurité), the Children's Ombudsman (Défenseur des Enfants), the Higher Authority for Audiovisual Technology (Conseil Supérieur de l'Audiovisuel), or state departments which have authority to deal with the matter. Acts liable to constitute a criminal offence not within the HALDE's jurisdiction, such as insults or violence (Art. 40 of the Code of Criminal Procedure), are also transferred to the public prosecutor's office.*

<b>CLAIMS REJECTED BEFORE SUBMISSION TO COUNCIL DECISION*</b>			
	2005	2006	2007
Inadmissible or unfounded claims	41	918	1,477
Claims abandoned by the claimant	18	207	249
<b>TOTAL</b>	<b>59</b>	<b>1,125</b>	<b>1,726</b>

*\*Cases are declared inadmissible if the claimant clearly had no legal grounds for filing a claim with the HALDE and if the case could not be redirected elsewhere. Claims are deemed abandoned if the claimant withdraws them or fails to respond.*

### Action taken pursuant to HALDE decisions

Taking into account the times of administrative and legal actions, the impact of HALDE decisions can be measured only today...

The proportion of HALDE decisions implemented is evidence of the attention and credibility paid to it by the institutions and people it addresses. In the decisions where follow-up action has been taken, we can note:

- 69% of cases result in positive action following recommendations;
- 83% of cases result in positive action following observations before the court;
- 50% of cases result in positive action following mediation;
- 79% of cases result in positive action following referrals to the public prosecutor's office;
- 100% of the settlements proposed in 2006 were approved.

The HALDE is careful to monitor cases where decisions are pending.

For more details and concrete example, please refer to the Annual Report of the HALDE<sup>4</sup>.

### Action taken pursuant to 2005 decisions

General recommendations			Individual recommendations			Observations before the court			Mediation			Referrals to the Public Prosecutor		
Followed	Not followed	Decision pending	Followed	Not followed	Decision pending	Followed	Not followed	Underway	Success	Failure	Underway	Prosecution	Closed or 3 <sup>rd</sup> path	Underway
12	9	3	5	0	0	1	0	0	1	0	0	8	6	0

*"Prosecution" encompasses all circumstances where the public prosecutor's office transfers the case to the investigating magistrate or court for judgment.*

*The 3rd path encompasses reminders of the law and settlements with payment of a fine.*

### Action taken pursuant to 2005 decisions

General recommendations			Individual recommendations			Observations before the court			Mediation			Referrals to the Public Prosecutor		
Followed	Not followed	Decision pending	Followed	Not followed	Decision pending	Followed	Not followed	Underway	Success	Failure	Underway	Prosecution	Closed or 3 <sup>rd</sup> path	Underway
39	26	22	29	5	30	29	6	13	12	12	0	27	7	8

*"Prosecution" encompasses all circumstances where the public prosecutor's office transfers the case to the investigating magistrate or court for judgment.*

*The 3rd path encompasses reminders of the law and settlements with payment of a fine.*

<sup>4</sup> HALDE (2008), *Annual Report 2007*, Paris : La Documentation Française.

<http://www.halde.fr/rapport-annuel/2007/>

## Racist Violence and Crime

### Cases registered by the Prosecution offices between July 2007 and June 2008

Offences <sup>5</sup>	Damage to dignity		Damage to persons		Damage to property		Discrimination		Verbal abuse and defamation		TOTAL	
	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified	Number of cases	In which perpetrators identified
Racism	36	14	311	266	68	27	646	513	2.595	2.199	3.656	3.019
Anti-religion	7	2	21	21	33	4	49	34	74	66	184	127
Anti-Semitism	2	1	52	34	72	12	13	112	138	98	277	156
<b>Total</b>	<b>45</b>	<b>17</b>	<b>384</b>	<b>321</b>	<b>173</b>	<b>43</b>	<b>708</b>	<b>558</b>	<b>2807</b>	<b>2363</b>	<b>4117</b>	<b>3302</b>

Source: studies and evaluation office-DACG<sup>6</sup>- October 2008

### Rate of penal response

The rate of penal response compares the number of cases that were actually prosecuted to the number of cases that could be prosecuted. These cases may be prosecuted since they meet factual and legal conditions. Cases where the perpetrator was not identified or where the statutory period had expired are excluded.

It shall encompass not only traditional prosecution, such as setting up a preliminary investigation or summons before a criminal court, or summons upon preliminary admission of guilt, but also alternative procedures such as closing a case subject to conditions or penal mediation.

Offence	Racism	Anti-religion	Anti-Semitism	Total
Damage to dignity	89%	**	0	**
Damage to property	82%	67%	67%	75%
Damage to individuals	72%	100%	85%	75%
Discrimination	79%	71%	100%	79%
Verbal abuse and defamation	77%	89%	82%	71%
<b>Total</b>	<b>77%</b>	<b>83%</b>	<b>80%</b>	<b>73%</b>

Source: studies and evaluation office -DACG- October 2008

<sup>5</sup> Explanation of offences:

- "damage to dignity" is desecration of graves and damage to the integrity of a corpse
- "damage to persons" is murders, wilful acts of violence and threats directed at individuals
- "damage to property" is destruction, deterioration, theft, extortion, and threats directed at property
- "discrimination" is discrimination in hiring or dismissing an employee, discrimination in supplying goods or services (Article 225-1 to 225-4 and 432-7 of the Penal Code)
- "verbal abuse and defamation": verbal abuse, defamation, incitement to discrimination, hatred and racial violence (Freedom of the Press Act).

<sup>6</sup> DACG = Direction des affaires criminelles et des grâces = Criminal affairs and Pardon Board

**Prosecution rate over the studied period**

<b>Offence</b>	<b>Racism</b>	<b>Anti-religion</b>	<b>Anti-Semitism</b>	<b>Total</b>
Damage to dignity	33%	**	0	<b>30%</b>
Damage to property	35%	67%	33%	<b>44%</b>
Damage to individuals	41%	50%	62%	<b>39%</b>
Discrimination	33%	43%	0	<b>33%</b>
Verbal abuse and defamation	33%	28%	67%	<b>35%</b>
<b>Total</b>	<b>34%</b>	<b>37%</b>	<b>61%</b>	<b>35%</b>

Source: studies and evaluation office - DACG- October 2008

**Number of condemnations pronounced for racist, anti-Semitic or discriminatory offences**

	<b>Damage to dignity</b>	<b>Damage to individuals</b>	<b>Damage to property</b>	<b>Discrimination</b>	<b>Verbal abuse and defamation</b>	<b>TOTAL</b>
<b>Racism</b>	7	13	6	23	204	<b>253</b>
<b>Anti-religion</b>	0	0	1	3	5	<b>9</b>
<b>Anti-Semitism</b>	0	2	0	0	10	<b>12</b>
<b>TOTAL</b>	<b>7</b>	<b>15</b>	<b>7</b>	<b>26</b>	<b>219</b>	<b>274</b>

## Employment

### Unemployment rate of immigrant people, according to gender and age - 2007

	Per cent			
	Total	Age		
		25 - 39	40-49	+ 50
Immigrant working men	13,5	14,6	12,2	12,1
Non immigrant working men	6,8	6,9	4,4	4,4
Whole working men	7,4	7,5	5,2	5,2
Immigrant working women	17,3	21,3	13,2	13,9
Non immigrant working women	7,8	8,5	5,5	4,8
Whole working women	8,5	9,5	6,2	5,6
Immigrant working population	15,2	17,5	12,6	12,9
Non immigrant working population	7,3	7,6	5,0	4,6
Whole working population	8,0	8,4	5,7	5,4

NB : Results = annual mean

Metroplolitan France, people aged of 15 years and more.

*Source : Insee, enquêtes Emploi du 1er au 4ème trimestre 2007.*

## Annex 2 – Court, specialised body or tribunal decisions

<b>Area</b>	Housing
<b>Case title</b>	ATD Quart Monde vs. France International Movement ATD Fourth World (ATD) vs. France
<b>Decision date</b>	05.12.2007 (published on 05.06.2008)
<b>Reference details</b>	Comité européen des droits sociaux European Committee of Social Rights Complaint n°33/2006 <a href="http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC33Merits_en.pdf">http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC33Merits_en.pdf</a>
<b>Key facts of the case</b>	ATD Fourth World asks the Committee to find that France is in violation of Articles 16, 30 and 31 of the revised Charter, alone or taken in conjunction with Article E.
<b>Main reasoning/argumentation</b>	As regards housing for Travellers, local authorities and the State have failed to take into account to a sufficient degree the specific needs of this community for a considerably long period. This being said, legislation on settlements/stopping places for Travellers was adopted in 2000 (the Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000). The legislation requires municipalities with over 5,000 residents to prepare a plan for the setting up of permanent camp sites for Travellers. However, the Act has only been implemented in a minority of the municipalities concerned. The Government has acknowledged the delay in the implementation of the departmental schemes for the reception of Travellers and estimates that there is a deficit of around 41 800 places. The delay in implementing the above-mentioned Act is regrettable, since it compels Travellers to make use of illegal sites and therefore exposes them to the risk of forcible eviction under the 2003 Act on internal security. Therefore, the deficient implementation of legislation on stopping places for Travellers constitutes a violation of Article 31§3 of the Revised Charter in conjunction with Article E
<b>Key issues (concepts, interpretations) clarified by the case</b>	Discrimination against Roma and Travellers
<b>Results (sanctions) and key consequences or implications of the case</b>	The Committee considers that the situation amounts to a violation of Article 31 of the Revised Charter taken in conjunction with Article E.

<b>Area</b>	Housing
<b>Case title</b>	Fédération des associations nationales de travail avec les sans abri (FEANTSA) vs. France European Federation of National Organisations Working with the Homeless (FEANTSA) vs France
<b>Decision date</b>	05.12.2007 (published on 05.06.2008)
<b>Reference details</b>	Comité européen des droits sociaux European Committee of Social Rights Complaint n°39/2006 <a href="http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC39Merits_en.pdf">http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC39Merits_en.pdf</a>
<b>Key facts of the case</b>	FEANTSA asks the Committee to find a violation by France of Article 31 of the Revised European Social Charter on the ground that France does not ensure an effective right to housing for its residents. In particular, it considers that the measures in place in France to reduce the number of homeless people are insufficient, that the construction of social housing is also insufficient, that a significant number of households live in poor housing conditions, notably with regard to sanitation and overcrowding, and argues that the implementation of legislation on the prevention of evictions is dysfunctional. FEANTSA also alleges that the system for allocating social housing and the associated remedies do not function properly and that there is discrimination in access to housing with regard to immigrants.
<b>Main reasoning/argumentation</b>	All the rights set out in the Charter, including the right to adequate housing, must be ensured without discrimination on any ground. In respect of social housing, States must guarantee that migrants have access to it on conditions 'not less favorable' than that of nationals. Statistics show that unfulfilled social housing applications for migrants are higher than for French households, which is an indication that there might be a problem of indirect discrimination against migrants in respect of access to social housing.  As regards housing for Travellers, local authorities and the State have failed to take into account to a sufficient degree the specific needs of this community for a considerably long period. This being said, legislation on settlements/stopping places for Travellers was adopted in 2000 (the Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000). The legislation requires municipalities with over 5,000 residents to prepare a plan for the setting up of permanent camp sites for Travellers. However, the Act has only been implemented in a minority of the municipalities concerned. The Government has acknowledged the delay in the implementation of the departmental schemes for the reception of Travellers and estimates that there is a deficit of around 41 800 places. The delay in implementing the above-mentioned Act is regrettable, since it compels Travellers to make use of illegal sites and therefore exposes them to the risk of forcible eviction under the 2003 Act on internal security. Therefore, the deficient implementation of legislation on stopping places for Travellers constitutes a violation of Article 31§3 of the Revised Charter in conjunction with Article E.

<b>Key issues (concepts, interpretations) clarified by the case</b>	Discrimination in housing
<b>Results (sanctions) and key consequences or implications of the case</b>	The committee concluded there were violations of articles 31§1, 31§2 and 31§3 of the Revised European Social Charter

<b>Area</b>	Service
<b>Case title</b>	SOS Racisme vs. Parisian nightclubs
<b>Decision date</b>	17.03.2008
<b>Reference details</b>	Cour d'Appel de Paris – 07/04974 Court of Appeal, Paris
<b>Key facts of the case</b>	<p>In July 2005, the NGO SOS-Racisme organized a testing operation in several nightclubs in Paris. The testing showed that four major Parisian nightclubs (the Queen, the Man Ray, the Club 79 and the Milliardaire) had discriminatory practices. A first group of people from African and North-African origin were refused access to these nightclubs; the bouncers arguing that it was a "private party" or that the club was "full"; but only a few minutes later, a second group of "white" people was able to enter the nightclubs.</p> <p>SOS Racisme filed a complaint against the bouncers.</p> <p>In first instance, the Paris First Instance Criminal Court recognized the racial discrimination in access to goods and services and condemned the bouncers (but not the owners of the nightclubs). See Cedra French NDCR 2007. The bouncers appealed the decision.</p>
<b>Main reasoning/argumentation</b>	The Court of Appel estimated that the conditions of realisation of the testing, which was limited, for each establishment tested, to a single and specific fact, in a moment when it was crowded, these conditions did not set aside the possibility that other people were refused or accepted access to the nightclubs, whatever their origin. So the Court stated that the discriminatory motive of the refusal to enter in the nightclubs.

<b>Key issues (concepts, interpretations) clarified by the case</b>	<p>Testing</p> <p>If the "testing" constitute a legal mean of proving discrimination (cf. the Equal Opportunity Law of March 31, 2006<sup>7</sup> and the case law of the Final Court of Appeals (<i>Cour de cassation</i>) which has already admitted the results of a testing situation into evidence three times, in 2000<sup>8</sup> and 2002<sup>9</sup> for barring entrance to a nightclub, and in 2005<sup>10</sup> in a housing discrimination case), the Court of Appeal specifies the use of the testing method, little by little the jurisprudence specified the methodological requirements necessary to evaluate the reliability and the convincing value of the testing presented in front of the judges. In particular, Appeal Courts indicated that the refusal opposed to only one person or one group is not sufficient to characterise the offence of discrimination and so the reliability of the results were insufficient in comparison with the requirements of probity of the penal proof. So it results that the value of the testing depends on the means used to ensure the reliability of its results.</p>
<b>Results (sanctions) and key consequences or implications of the case</b>	<p>The plaintiff (SOS Racisme) was nonsuited, but not condemned to pay damages.</p>

<b>Area</b>	Employment
<b>Case title</b>	Breleur ; Kotor vs. Renault
<b>Decision date</b>	02.04.2008
<b>Reference details</b>	Cour d'Appel de Versailles (78) Appeal Court of Versailles

<sup>7</sup> LOI n° 2006-396 du 31 mars 2006 pour l'égalité des chances (NOR: SOCX0500298L)

<http://www.legifrance.gouv.fr/WAspad/Visu?cid=758638&indice=1&table=JORF&ligneDeb=1>

<sup>8</sup> France/ Cass. crim. / G 99-87.251 D (12.09.2000)

<sup>9</sup> France/ Cass. crim./ W 01-85.560 F-D (11.06.2002)

<sup>10</sup> France/ Cass. crim./ 04-87354 (07.06.2005)

<b>Key facts of the case</b>	Two former employees of the car company Renault estimated to have had progressions of careers slowed down, even blocked, because of their skin colour (both of them were black people – African and Martinican). The plaintiffs presented in front of the court their individual assessment reports, these documents show that the two employees had good reports, they were motivated and made efforts of formation. But if we compare their course of career to the career of others paid recruited on the same level, all of them had a more important evolution than the two plaintiffs.
<b>Main reasoning/argumentation</b>	The court judged that the two men had had careers less interesting than their “French” colleagues, because of their origin. For the court, Renault did not give the evidence that the difference in treatment between the two men and the others paid is justified by objective elements, having nothing to do with any discrimination
<b>Key issues (concepts, interpretations) clarified by the case</b>	This case is linked to the French jurisprudence in matters related to discrimination in employment. Indeed, it follows the evolution of jurisprudence in the field of the burden of proof: the court has the burden of verifying the conditions of the alleged discrimination and the burden of proof is not entirely attributable to the employee. The court adopted the burden of proof elaborated by the Community legislation. At the end of the 1990s, French trade unions took as a starting point the Community legislation to work out a demonstration of discrimination based on a comparison between the situation of trade-union representatives and other employees. Even before the adoption of directives 2000/43 and 2000/78 and their transposition into national French law, the Social Chamber of the Final Court of Appeals gradually recognised, as regards to trade-union discrimination, the comparative approach inspired by the Community legislation. It thus agreed to compare the career of trade-union representatives and other employees' careers, as a way to establish the presumption of discrimination, giving to the employer the responsibility to establish the absence of discrimination. This jurisprudence relating to discrimination on the ground of trade union activities has been progressively extended to discrimination in general, and this case appears as a test case for the burden of proof in discrimination cases.
<b>Results (sanctions) and key consequences or implications of the case</b>	The Appeal Court of Versailles condemned the Renault company to pay two former employees 80.000 and 60.000 euros of damages and 8.000 euros non-pecuniary damage for each one. The company said it was surprised and disappointed by the decision of the court. The company, whose former president, Louis Schweitzer, currently chairs the HALDE, stresses that it condemns racism and does not practise, in any case, discrimination. The Court also nonsuited three other former employees and one current employee of the company.

<b>Area</b>	Employment
<b>Case title</b>	Hadj-Djilani vs. Banque internationale arabe

<b>Decision date</b>	20.05.2008
<b>Reference details</b>	Cour de Cassation, chambre sociale Final Court of Appeal, social court
<b>Key facts of the case</b>	A retired employee of the Banque internationale arabe estimated that she was discriminated against by her employer during her career. She began a legal procedure in 2003, in front of the industrial tribunal (Conseil de Prud'hommes) and asked for salary allowances. The procedure ended with the judgement of the Final Court of Appeal.
<b>Main reasoning/argumentation</b>	The Court estimated that the plaintiff did not produce any evidence of discrimination.
<b>Key issues (concepts, interpretations) clarified by the case</b>	Burden of proof French Courts progressively adopted the definition of the burden of proof elaborated by the Community legislation, i.e : the court has the burden of verifying the conditions of the alleged discrimination, the burden of proof is not entirely attributable to the employee and the employer has to prove that the difference in treatment rested on objective criteria without any discrimination <sup>11</sup> . But this decision reminds that, nevertheless, the plaintiff has to produce concrete evidence proving that he/she had been discriminated against.
<b>Results (sanctions) and key consequences or implications of the case</b>	The plaintiff was nonsuited. <a href="http://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechExpJuriJudi&amp;idTexte=JURITEXT000018870195&amp;fastReqId=234808965&amp;fastPos=1">http://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechExpJuriJudi&amp;idTexte=JURITEXT000018870195&amp;fastReqId=234808965&amp;fastPos=1</a>

<b>Area</b>	Employment
<b>Case title</b>	Bosh
<b>Decision date</b>	20.06.2008
<b>Reference details</b>	Conseil des Prud'hommes de Lyon (69) Industrial tribunal of Lyon

<sup>11</sup> Art. 19 of the Law n°2004-1486 of December 31, 2004

LOI n° 2004-1486 du 30 décembre 2004 portant création de la haute autorité de lutte contre les discriminations et pour l'égalité (NOR: SOCX0400130L) :

<http://www.legifrance.gouv.fr/WAspad/Visu?cid=725370&indice=1&table=JORF&ligneDeb=1>

<b>Key facts of the case</b>	<p>After five years of analyses and studies on the employees list of the Bosh Company, the French trade union CGT decided to support 25 employees of the company and help them to lodge a complaint for discrimination in front of industrial tribunal.</p> <p>Analysing all employees' files since thirty years, the trade union find out that employees who have African, Maghrebian, or Asian names, such as women, did not evolve in their career in the same way than other employees. They we recruited as workers or skilled workers and they are still workers thirty years later.</p> <p>At the beginning of the procedure there were 47 litigious files, but the company entered in negotiation, so on December 2007, 25 employees were presented in front of the court.</p>
<b>Main reasoning/argumentation</b>	<p>The tribunal judged that with comparable length of service and level of qualification, the professional evolution of these employees did not follow the same tendency of the one's of French or European employees. It also noted that there were only very few individuals from foreign origins in managerial positions.</p>
<b>Key issues (concepts, interpretations) clarified by the case</b>	<p>This trial was the most important one for discrimination (25 files), it found an important echo in the media. The tribunal took into account the "general context" of the company, in its decisions, it made the point that "the direction admits that situations of racial discrimination were registered and that it was appropriate to put an end to them". But this fact was not sufficient for the judge to condemn the company: each plaintiff had to bring some concrete proofs of discrimination he/she was victim of.</p>
<b>Results (sanctions) and key consequences or implications of the case</b>	<p>The tribunal condemned the Bosch Company for racial and gender discrimination against seven employees or former employees (six of them are men from foreign origin and the seventh is a woman). The company will have to pay between 5,500 and 10,000 euros of damages, and the three employees who are still working in the company will be promoted. The 18 other plaintiffs were nonsuited.</p> <p>The trade union CGT estimates that, beyond the sentence itself, the most important result of this legal procedure is the evolution of behaviours in the company. In five years, thanks to the legal procedure and the negotiations, more and more employees from foreign origin had been promoted.</p>

<b>Area</b>	Employment
<b>Case title</b>	HALDE Deliberation n° 2007-170
<b>Decision date</b>	02.07.2007
<b>Reference details</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) High Authority against discrimination and for equality – French equality body

<b>Key facts of the case</b>	A claimant lodged a complaint with the HALDE on delays in his career development, which he felt were due to his religious beliefs. As a boarding school watchman in a private establishment, he was the only person not to have been promoted, despite repeated requests to this effect over the previous ten years.
<b>Main reasoning/argumentation</b>	The investigation showed that all of the watch staff members had been granted promotions and that the claimant fulfilled exactly the same requirements as his colleagues, whether in terms of participation in extracurricular activities or in training. The establishment did not provide any objective facts capable of substantiating the difference in treatment. The Council concluded that there had been a difference in treatment between the claimant and his colleagues.
<b>Key issues (concepts, interpretations) clarified by the case</b>	<p><b>Mediation</b></p> <p>The Law 2004-1486 (30.12.2004), in Article 7, expressly states that the Council of the HALDE has the power to bring the parties or have the parties brought to an out-of-court settlement in any dispute brought to its knowledge, through mediation. The use of mediation requires the agreement of both the claimant and the accused, who may, at any point, discontinue the mediation in order to pursue the claim.</p> <p>The mediator, suggested by the HALDE, must be accepted by both parties.</p> <p>The individual interviews carried out by the mediator with each of the parties on their own are strictly confidential. The second stage, which always occurs during individual interviews, is decisive and characterises mediation as a juridical process. It is during this stage that the mediator must inform the parties and have them accept the de facto rule that applies to the situation.</p> <p>He must clearly state what discrimination means in the legal sense of the term. For example, <i>s/he</i> must explain to the accused party that applicant selection on the basis of origin is a form of discrimination on grounds prohibited by law. This educational dimension of mediation helps the two parties understand the issues at stake and come to an agreement under the law.</p> <p>The mediator's role is to help the two parties find a fair agreement on the basis of relevant law in the field of discrimination. The two parties become part and party to the solution, which they will have to implement if the relationship, for instance a working contract, is maintained, as was the case in this case.</p> <p>The mediation instituted by the HALDE is neither bargaining nor a settlement, but a process governed by law. In that sense, it differs from negotiations, which can be opened up by the parties themselves when attempting to settle a dispute. Furthermore, mediation can occur either in the public or private sector.</p>
<b>Results (sanctions) and key consequences or implications of the case</b>	The two parties agreed to mediation. The mediation gave rise to the payment of back-salary and a raise.

<b>Area</b>	Education
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<b>Case title</b>	HALDE deliberation n° 2007-30
<b>Decision date</b>	12.02.2007
<b>Reference details</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) High Authority against discrimination and for equality – French equality body
<b>Key facts of the case</b>	An association lodged a complaint with the HALDE, in conjunction and in agreement with the families involved, regarding a refusal to school 14 children. In July 2006, 21 children from Roma families established on land belonging to them in the town had been put in school. Another 14 children were still to be registered, but the City Council opposed this, despite the intervention of organisations such as the Federation of Parent-Teacher Councils (FCPE). The administrative court issued three orders in which it suspended the decisions denying access to school.
<b>Main reasoning/argumentation</b>	The investigation showed that the mayor based his decision solely on the risks involved in the families' encampment. He thus made the Travellers' children's admittance conditional upon their parents' not being encamped on a dangerous flood zone. However, the regulations regarding registration in school and those on urban planning and public safety are clearly distinct. This measure which, in its rationale, is aimed solely at the Roma children residing on the municipality's land can be considered as discriminatory treatment toward them. The HALDE emphasised that Article 19 of Law 2004-1486 of 30 December 2004 provided that, in the field of education in particular, all individuals are entitled to equal treatment.
<b>Key issues (concepts, interpretations) clarified by the case</b>	<b>Action before the Court</b> From its inception, the HALDE has been endowed with the power to present its observations before the courts. Article 13 of the 30 December 2004 Law provided that it could present its views, either at the request of the parties, or at that of the courts themselves. This procedure, quite cumbersome, had one main drawback: the time required tended to go against the interests of the parties. Law 2006-396 of 31 March 2006 gave more flexibility to the HALDE's action before the courts, in that it states, in Article 42, that " <i>the HALDE may itself ask to be heard by the courts; in this case, it has a right to be heard</i> ". When a claimant is determined to bring a case to court, the HALDE intervenes as a legal expert in the field of discrimination. The courts call more and more frequently on the HALDE for actionist observations. As a result, the HALDE comes before the administrative courts, as well as the civil, labour or criminal courts. In presenting its observations, the HALDE will enable the issue of discrimination, one of the factors in this case, to be clearly discussed.
<b>Results (sanctions) and key consequences or implications of the case</b>	The HALDE's Council presented its observations to the administrative court during the review carried out on requests for cancellation, in line with Article 13 of Law 2004-1486 of 30 December 2004.

<b>Area</b>	Employment
<b>Case title</b>	HALDE deliberation n°2007-186
<b>Decision date</b>	02.07.2007
<b>Reference details</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) High Authority against discrimination and for equality – French equality body
<b>Key facts of the case</b>	The claimant, a foreman in the construction sector, was contacted in December 2006 by a temporary work agency to apply for a job offer as construction foreman. The investigation revealed that the temporary work agency put forth his résumé, in anonymous terms. The manager, after having stated: “I can’t take you because you’re Black, and my workers don’t want to be told what to do by a Black person or Arab”, indicated that, in the end, he had decided to give the construction foreman position to his son, and to hire a construction supervisor.
<b>Main reasoning/argumentation</b>	The facts gathered during the investigation, corroborated by the manager’s confession when he gave evidence, revealed that the claimant’s origin had been the deciding factor in the decision not to hire him. The manager recognised that he would not have called the claimant in had he been aware of his origin and emphasised, at several points, that “even if his résumé matched the profile we needed, I would not have hired him because the backbone of my company is made of workers who are very hostile to Blacks and, because of this, I could not jeopardise my company by hiring him”.
<b>Key issues (concepts, interpretations) clarified by the case</b>	<b>Transfer to the Public Prosecutor’s Office</b> Article 12 of the 30 December 2004, as modified by the 31 March 2006 Law states that, “ <i>without prejudice to the application of the provisions in Article 11-1, when it appears to the HALDE that the facts brought to its knowledge can be construed as a crime or an offence, it so informs the public prosecutor. It indicates, if applicable, whether a mediation mission has been initiated, pursuant to the provisions in Article 7.</i> ” In line with common law procedures, all public authorities must inform the public prosecutor of the offences brought to their knowledge. However, the way this article is drafted shows how much, in the legislator’s mind, the powers recognised to HALDE and its modes of action are to be taken as complementary. The HALDE applies this Article when it deems that the offence is characterised and criminal punishment justified. In this case, it is clear that the company manager is totally unwilling to change his attitude, but rather, is determined to persevere in a position that he continues to advocate.
<b>Results (sanctions) and key consequences or implications of the case</b>	The HALDE deemed that the evidence corroborating the offence, deemed criminal and punishable by law pursuant to Articles 225-1 and 225-2-3 of the Code on Criminal Law, was sufficient with regard to the manager and, therefore, that he could be held criminally liable. The Council insists on the fact that responsibility for this kind of behaviour is undertaken and hereby cautions the repeat of these actions in the future. It also deemed that the company could be held criminally liable, pursuant to Article 121-2 of the Code on Criminal Law, as the violation was committed on behalf of the company and by its representative.

	Taking into account the seriousness of the facts in point, the Council decided to transfer the case to the Public Prosecutor's Office, in line with Article 12 Paragraph 1 of the Law instituting the HALDE.
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<b>Area</b>	Employment
<b>Case title</b>	HALDE deliberation n°2007-107
<b>Decision date</b>	02.04.2007
<b>Reference details</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) High Authority against discrimination and for equality – French equality body
<b>Key facts of the case</b>	Miss Stéphanie M. reported discrimination in a hiring process; the employer reportedly indicated that recruitment had been stopped and that her application had not been chosen on the grounds that she “was not the right colour to work in the store”, that “the customers would not have liked it” and that “even her own daughter-in-law, a person of colour, could not work there, in light of the store's environment”.
<b>Main reasoning/argumentation</b>	The ANPE advisor's testimony was sent to the HALDE by mail, dated 10 August 2006. It confirmed that the claimant's application was discarded due to her “colour”. When evidence was sought from the manager, she claimed not to remember the claimant, denied having refused her application on the ground of her “colour” and even having had a telephone conversation with the ANPE advisor on the topic. Nothing in the claimant's résumé can objectively justify the refusal, as her résumé was far better than those of the applicants hired.
<b>Key issues (concepts, interpretations) clarified by the case</b>	<b>Penal Transaction</b> Articles 11-1, 11-2 and 11-3 of Law 2004-1486 of 30 December 2004, arising from Law 2006-396 on equal opportunities, and Article D.1-1 of the Code on Criminal Proceedings arising from Decree 2006-641 of 1 June 2006, give HALDE new powers, namely to propose a penal transaction to the party found guilty of discrimination. The offer may consist of paying a fine, posting or issuing a public statement or, if appropriate, paying compensation to the victim. Should the transaction process fail or end in refusal, the HALDE has the power to trigger public action through criminal proceedings by direct summons before the criminal court. The penal transaction procedure was instituted in order to ensure efficiency and rapidity, all the while remaining consistent with criminal policy. The HALDE has the initiative to suggest a penal transaction. No provision states that the party responsible for the facts may demand this course of action. The decision is unilateral and administrative, unlike the rest of the procedure. It is up to the Council to determine whether it is opportune to choose this path. It thus makes sense to

	<p>use penal transaction when working with median hypotheses, so as to create a intermediate response level to discriminatory behaviour, between the ability that the HALDE already holds to propose mediation following circumstances where it is vital to re-establish the social tie, and proceedings launched by the public prosecutor before the criminal court for the most serious offences.</p> <p>According to the Law, the HALDE may suggest a penal transaction to the party responsible for the discrimination, involving payment of a fine not to exceed 3,000 € if the offender is an individual, and 15,000 € if the offender is a legal entity. The fine is set in accordance with the seriousness of the offence and the offender’s resources and expenses.</p> <p>Once the agreement has been reached between the parties on the principle and content of the penal transaction, the Public Prosecutor’s Office must approve the agreement.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b></p>	<p>After reviewing all of the facts presented, along with the testimony from the ANPE advisor, which left no room for doubt as regards the manager’s stated intention not to hire Miss Stéphanie M. on the ground of her “colour”, the HALDE’s Council observed that this practice fell within the scope of Article 225-2 of the Code on Criminal Law and gave the Chair power to propose a penal transaction.</p>

## Annex 3 – Positive initiatives

<b>Area</b>	Racist Violence
<b>Title (original language)</b>	Convention cadre Ministère de la Justice – Licra – SOS Racisme
<b>Title (EN)</b>	Framework contract Ministry of Justice – LICRA – SOS Racisme
<b>Organisation (original language)</b>	Ligue internationale contre le racisme et l’antisémitisme (LICRA) SOS Racisme Ministère de la Justice
<b>Organisation (EN)</b>	International League against Racism and Anti-Semitism (LICRA) SOS Racisme Ministry of Justice
<b>Government / Civil society</b>	Government and Civil society (NGOs)
<b>Internet link</b>	<a href="http://www.justice.gouv.fr/index.php?rubrique=10030&amp;article=13841">http://www.justice.gouv.fr/index.php?rubrique=10030&amp;article=13841</a> <a href="http://www.justice.gouv.fr/art_pix/1_LICRA.pdf">http://www.justice.gouv.fr/art_pix/1_LICRA.pdf</a> <a href="http://www.justice.gouv.fr/art_pix/1_sosracisme.pdf">http://www.justice.gouv.fr/art_pix/1_sosracisme.pdf</a>
<b>Type of initiative</b>	Training, education Awareness raising
<b>Main target group</b>	Justice practitioners
<b>Brief description</b>	<p>These conventions have two objectives :</p> <ul style="list-style-type: none"> <li>- To sensitize the magistrates with the question of racism and discriminations, in particular by reinforcing the cooperation between the Prosecution Services and the local committees of the two associations.</li> <li>- To entrust to the two associations a mission of training the justice practitioners.</li> </ul>

<b>Area</b>	Racist Violence
<b>Title (original language)</b>	Guide pratique de lutte contre les discriminations
<b>Title (EN)</b>	Technical guide for fighting against discriminations
<b>Organisation (original language)</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité Ministère de l'Intérieur – Direction générale de la police nationale
<b>Organisation (EN)</b>	HALDE (High Authority against discrimination and for equality – French equality body) Ministry of Interior – General Direction of National Police
<b>Government / Civil society</b>	Government and Civil society
<b>Internet link</b>	<a href="http://www.halde.fr/police-nationale/">http://www.halde.fr/police-nationale/</a>
<b>Type of initiative</b>	Training, education Awareness raising
<b>Main target group</b>	Police
<b>Brief description</b>	<p>This module is real directions available to the police officers on Intranet, it will help them to receive and treat more effectively the lodged complaints for discrimination.</p> <p>It contains the applicable texts as regards discriminations, racism and antisemitism, some practical advices and some models of official reports.</p> <p>This tool of training and awareness lies within the framework of the partnership convention signed in December 2006.</p> <p>It answers a requests of the police officers who need help to face the difficulties encountered on the ground.</p> <p>The software will be used within the framework of the initial training and continuous training of the police officers.</p>

<b>Area</b>	Racist Violence
<b>Title (original language)</b>	Convention de partenariat pour lutter contre le racisme
<b>Title (EN)</b>	Convention of partnership against racism
<b>Organisation (original language)</b>	Ligue internationale contre le racisme et l'antisémitisme (LICRA) Ligue de football professionnel (LFP)
<b>Organisation (EN)</b>	International League against Racism and Anti-Semitism Professional Football League (LFP)
<b>Government / Civil society</b>	Civil Society
<b>Internet link</b>	<a href="http://www.lfp.fr/indexSite.asp">http://www.lfp.fr/indexSite.asp</a> <a href="http://www.licra.org/">http://www.licra.org/</a>
<b>Type of initiative</b>	Awareness raising
<b>Main target group</b>	General public
<b>Brief description</b>	Awareness raising campaign will be held in football clubs, before the matches some messages will be diffused on the giant screens and read by the speaker of the meeting. Before some sensitive matches, players and referees can wear white T-shirts with the message "Racism, never again !" (it was the case for several matches in March 2008).

<b>Area</b>	Employment
<b>Title (original language)</b>	Label Diversité
<b>Title (EN)</b>	Diversity Label
<b>Organisation (original language)</b>	Association nationale des directeurs de ressources humaines (ANDRH)
<b>Organisation (EN)</b>	National Association of Human Resources Managers
<b>Government / Civil society</b>	Civil Society, but with the support of the government
<b>Internet link</b>	<a href="http://www.afaq.org/web/ressources.nsf/vpdf/Label-diversite-CahierDesCharges.pdf/\$file/Label-diversite-CahierDesCharges.pdf">http://www.afaq.org/web/ressources.nsf/vpdf/Label-diversite-CahierDesCharges.pdf/\$file/Label-diversite-CahierDesCharges.pdf</a>
<b>Type of initiative</b>	Awards Codes of ethics, code of conduct
<b>Main target group</b>	Employers and their associations
<b>Brief description</b>	This label is not a simple “decoration”, it is a real framework for concrete actions in favour of diversity in French companies. The companies which want to obtain the label, will have to submit themselves to a very precise schedule of conditions, a kind of “good practices guide”. They will be audited by Afnor-certification <sup>12</sup> . The audit, in the framework of diversity, will test communication, training, careers, partnership with trade-unions and concrete actions. The label will be given for three years, by a committee composed by State representatives, ANDRH, employers, trade-unions and experts. Four hundred companies are already candidate.

<sup>12</sup> The leading body for certification and evaluation of products, services, systems and competences in France and one of the foremost at international level

<b>Area</b>	Employment
<b>Title (original language)</b>	Baromètre de l'égalité dans l'emploi
<b>Title (EN)</b>	Barometer of equal opportunity in employment
<b>Organisation (original language)</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité Organisation internationale du travail (OIT))
<b>Organisation (EN)</b>	HALDE (High Authority against discrimination and for equality – French equality body) International Labour Organisation (ILO)
<b>Government / Civil society</b>	Civil Society – International Organisation
<b>Internet link</b>	<a href="http://www.ilo.org/public/french/region/eurpro/paris/actualites/download/conventionoithalde.pdf">http://www.ilo.org/public/french/region/eurpro/paris/actualites/download/conventionoithalde.pdf</a>
<b>Type of initiative</b>	Awareness raising
<b>Main target group</b>	Employers and their associations Employees and their associations
<b>Brief description</b>	The HALDE and ILO decided to share their knowledge and their expertises on the question of discriminations in employment. They signed in February 2008 a partnership convention. According to this convention, the two organisation will annually conduct survey and analysis on discriminations in employment and thus will install a barometer of discrimination and good practices to fight for equal opportunity in employment.

<b>Area</b>	Employment
<b>Title (original language)</b>	Les quatre recommandations de la HALDE et de l'OIT pour prévenir les discriminations dans l'entreprise
<b>Title (EN)</b>	Four recommendations of the HALDE and ILO in order to prevent discrimination on workplace
<b>Organisation (original language)</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité Organisation internationale du travail (OIT))
<b>Organisation (EN)</b>	HALDE (High Authority against discrimination and for equality – French equality body) International Labour Organisation (ILO)
<b>Government / Civil society</b>	Civil Society – International Organisation
<b>Internet link</b>	<a href="http://www.halde.fr/IMG/pdf/Recommandations_HALDE_OIT-2.pdf">http://www.halde.fr/IMG/pdf/Recommandations_HALDE_OIT-2.pdf</a>
<b>Type of initiative</b>	Awareness raising
<b>Main target group</b>	Employers and their associations Employees and their associations
<b>Brief description</b>	<p>The HALDE and the French office of the ILO presented on February 2008 four recommendations in order to fight discriminations on the workplaces:</p> <ul style="list-style-type: none"> <li>- Role and importance of employees representatives in the denunciation of discrimination</li> <li>- Establishment by companies of internal warning devices</li> <li>- Application of the negotiation obligations, as stipulated in the Law</li> <li>- Involment in negotiations for global promotion of equality</li> </ul>

<b>Area</b>	Housing
<b>Title (original language)</b>	Comment louer sans discriminer ?
<b>Title (EN)</b>	How rent an housing without discriminated against?
<b>Organisation (original language)</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité)
<b>Organisation (EN)</b>	HALDE (High Authority against discrimination and for equality – French equality body)
<b>Government / Civil society</b>	Civil society
<b>Internet link</b>	<a href="http://www.halde.fr/-Brochures-.html">http://www.halde.fr/-Brochures-.html</a>
<b>Type of initiative</b>	Awareness raising
<b>Main target group</b>	General public Housing professionals and owners
<b>Brief description</b>	<p>How an owner should behave in order not to discriminate, when he wants to rent an housing? How a real estate agent should react when an owner makes a discriminatory request?</p> <p>In order to answer these questions, the HALDE launched an information campaign directed at owners and real estate professionals. It published two pamphlets (questions-answers, the Law and good practices) carried out in partnership with key players in the private housing (CNAB, CSAB, FNAIM, SNPI, UNIT, UNPI). These documents are broadcast to 150,000 copies each. A campaign website had be conducted from April 15 to May 5, 2008.</p>

<b>Area</b>	Housing
<b>Title (original language)</b>	Plan banlieue – espoir banlieue
<b>Title (EN)</b>	Action plan for suburbs – Hope for suburbs
<b>Organisation (original language)</b>	Secrétariat d’Etat chargé de la Politique de la ville
<b>Organisation (EN)</b>	State secretary for Urban Policy
<b>Government / Civil society</b>	Government
<b>Internet link</b>	<a href="http://www.premierministre.gouv.fr/chantiers/ville_logement_857/plan_espoir_banlieues_une_1059/espoir_banlieues_pour_une_59185.html">http://www.premierministre.gouv.fr/chantiers/ville_logement_857/plan_espoir_banlieues_une_1059/espoir_banlieues_pour_une_59185.html</a>
<b>Type of initiative</b>	Community cohesion – social integration
<b>Main target group</b>	Youth Ethnic minorities Migrants
<b>Brief description</b>	<p>Equal opportunities</p> <p>The French civil service must promote diversity: the French President wants to study every possibility, including special preparatory training, for integrating and promoting the descendants of immigrants at every level of the civil service, and this to be implemented within the next five years.</p> <p>Pressure will also be put on the private sector, testing out the new “autonomy contracts” offering young people intensive and personalised support to help them find stable jobs or training leading to qualifications.</p> <p>Young people who want to set up their own businesses - one in two in the suburbs today - will be given professional support to help them through the process.</p> <p>In all, the State aims to steer over 100,000 young people into employment within the next three years. The national commitment for jobs for young people from disadvantaged suburbs is due to be signed on Friday, 15 February.</p> <p>Security</p>

Security Regional police teams (GIR) will be redeployed and mobilised "day and night" to bring the underworld economy into the open. Around 200 local territorial units will be brought in to reinforce security in the most violent suburbs, in other words, an additional 4,000 policemen and women in the next three years.

#### Transport

Some 500 million euros will be earmarked as part of the Environment Round Table plans for poor neighbourhoods. These funds will be devoted to the immediate creation of bus lines and to the development of light rail systems, such as trams. Part of these funds will be used for the Ile-de-France region, and the State will contribute to regional projects presented to it.

#### Associations and social housing

Nicolas Sarkozy announced a new partnership involving a financial commitment on the part of the State for the benefit of associations covering a period of several years, in a bid to allow them to implement long-term projects. These will then be assessed on their results. The State will settle "minor bills within 48 hours simply by writing a cheque."

Christine Boutin and Brice Hortefeux are to pursue discussions on how social housing is allocated and on the possibility of buying council homes. The President also called for a new social pact to assess the quality of services provided by social housing landlords - especially lift maintenance - and "that such assessments will condition whether or not the advantages that they [the landlords] enjoy will be maintained."

In a bid to step up progress on these various plans, the French President announced that a full-time State representative will be appointed for every neighbourhood.

The Minister in charge of the French civil service has been asked to propose innovative solutions to encourage civil servants, on a voluntary basis, to take up vacant jobs in suburban neighbourhoods.

<b>Area</b>	Housing
<b>Title (original language)</b>	Charte portant lutte contre les pratiques de discrimination au logement à l'égard des français originaires d'outre-mer
<b>Title (EN)</b>	Charter in order to fight against discriminatory practices in access to housing against the French coming from overseas territories
<b>Organisation (original language)</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité Ministère du logement et de la ville Délégué interministériel pour l'égalité des chances des Français d'outre-mer
<b>Organisation (EN)</b>	HALDE (High Authority against discrimination and for equality – French equality body) Ministry for housing and for urban policy Interdepartmental deputy for equal opportunity for French of overseas territories
<b>Government / Civil society</b>	Government and Civil Society
<b>Internet link</b>	<a href="http://www.halde.fr/spip.php?page=article&amp;id_article=12316">http://www.halde.fr/spip.php?page=article&amp;id_article=12316</a>
<b>Type of initiative</b>	Codes of ethics, code of conduct
<b>Main target group</b>	Real estate agents, professionals of housing
<b>Brief description</b>	<p>Many French people coming from overseas territories are victims of discrimination when they look for accommodation in Metropolitan France. Many lessors refuse to rent a house/a flat when the person who stand guarantor resides in overseas territories.</p> <p>In September 2005, the HALDE recommended the reform of a discriminatory article of the Civil Code<sup>13</sup>, inviting the Prime Minister to initiate a legislative reform. In January 2006, the French National Assembly amended article 22-1 of the law of social modernisation by making it an offence to refuse to accept as a guarantor one who resides in overseas territories.</p> <p>Despite this legislative modification, many real estate agents or professionals of housing still refuse to rent house to French people coming from overseas territories.</p> <p>With this Charter, signed on July 3<sup>rd</sup> 2008, the signatories undertake to:</p>

<sup>13</sup> Article 2018 of the civil code which dealt with the conditions of residence of the people who acts as guarantors.

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>- put an end to illegal practices regarding French people from overseas territories</li><li>- fight against the discrimination they are victim of</li><li>- aware real estate agents of the legal devices existing to fight discriminations</li><li>- make HALDE's documentation/literature available in each real estate agency...</li></ul> |
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<b>Area</b>	Education
<b>Title (original language)</b>	Ecris-le haut et fort !
<b>Title (EN)</b>	Write it!
<b>Organisation (original language)</b>	HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité)
<b>Organisation (EN)</b>	HALDE (High Authority against discrimination and for equality – French equality body)
<b>Government / Civil society</b>	Civil society
<b>Internet link</b>	<a href="http://www.halde.fr/Sensibilisation-des-jeunes,12320.html">http://www.halde.fr/Sensibilisation-des-jeunes,12320.html</a> <a href="http://ouvertatous.skyrock.com">http://ouvertatous.skyrock.com</a>
<b>Type of initiative</b>	Awareness raising
<b>Main target group</b>	Youth
<b>Brief description</b>	<p>On July 2008, the HALDE has posted the blog <a href="http://ouvertatous.skyrock.com">http://ouvertatous.skyrock.com</a> to young audiences.</p> <p>This blog aims to:</p> <ul style="list-style-type: none"> <li>- explain cases of discrimination and remedies,</li> <li>- give people the opportunity to get involved in the fight against discrimination.</li> </ul> <p>The bloggers can respond to articles, videos and surveys by posting comments or telling their own experiences. A downloadable sticker also allows users to display their commitment to their own blog.</p> <p>The HALDE has launched a competition for lyrics on the blog on September 24. This contest is relayed by a poster campaign in 11.400 middle and high schools since September 29, in partnership with the CIDEM (Civisme et Démocratie – Association for civic attitudes and democracy)</p> <p>In addition, a radio campaign for young people was launched on October 6 for a period of 3 weeks.</p>

<b>Area</b>	Education
<b>Title (original language)</b>	Convention cadre pour favoriser la réussite scolaire et promouvoir l'égalité des chances pour les jeunes immigrés ou issus de l'immigration
<b>Title (EN)</b>	Framework agreement to promote academic success and promote equal opportunities for young immigrants or from immigrant origin
<b>Organisation (original language)</b>	Ministère de l'Education Nationale Ministère du Logement et de la Ville Ministère de l'immigration, de l'intégration, de l'identité nationale et du codéveloppement Agence nationale pour l'accueil des étrangers et des migrations - ACSE
<b>Organisation (EN)</b>	Ministry of National Education Ministry of Housing and Urban Policy Ministry of Immigration, Integration, National Identity National Agency for welcoming of foreigners and for migrations - ACSE
<b>Government / Civil society</b>	Government
<b>Internet link</b>	<a href="http://i.ville.gouv.fr/divbib/doc/convcadreeducationDEC2007.pdf">http://i.ville.gouv.fr/divbib/doc/convcadreeducationDEC2007.pdf</a>
<b>Type of initiative</b>	Education Support, advice to immigrant/minorities
<b>Main target group</b>	Youth Ethnic minorities Migrants Teachers
<b>Brief description</b>	This agreement aims to improve educational pathways and a better social and professional integration of young immigrants or young from immigrant origin. It identifies six general areas of partnership between the signatories, including the fight against discrimination and promotion of equal opportunity. It also sets out modalities of implementation, monitoring and evaluation.