

French Focal Point: CEDRA

Complementary Data Collection

Information and data on organisations providing support
to victims of racial or ethnic discrimination.

Revised version

May 2008

ANNEX 1

Measures taken by the government to empower associations, organisations or other legal entities in the meaning of Article 7 (2) of the Race Equality Directive¹ Provide, if possible, an explanation if such measures were not taken.

1	<p>According to terms of article 6 of the law of July 1st, 1901², “<i>any lawfully registered association can, without any special permit, be party to legal proceedings</i>”. Associations of people can be freely formed without preliminary authorization, nor declaration, however only declared (registered) associations have the legal capacity to act or be defended in justice. Having a legal personality, declared associations are subjected to the general rules of procedure applicable to all people. However, the action at law is admissible only if it is in strict conformity with the object/purpose of the association.</p> <p>But, until 1972, the Code of Criminal Procedure limited the rights of associations to be civil party and so to defend or assist the victims of discrimination grounded on their national, ethnic, racial or religious origin. Indeed, article 2 of the Code of Criminal Procedure states: “<i>Civil action aimed at the reparation of the damage suffered because of a felony, a misdemeanour or a petty offence is open to all those who have <u>personally</u> suffered damage directly caused by the offence.</i>” So, before 1972, associations were party to legal proceedings only in front of Civil or Administrative courts, and not in front of Criminal courts...</p>
2	<p>In 1972, the law FR/72-576 of 1 July 1972 regarding the fight against racism³ modified the Code of Criminal Procedure and states: “<i>Any association, regularly declared for at least five years at the date of the facts, whose purpose, according to its statutes, is the fight against racism, may exercise the rights granted to the civil party, as regards the infringements envisaged by articles 187-1 and 416 of the penal code</i>” (i.e racist and anti-Semitic infringements).</p> <p>This text extended the admissibility for association to be civil party for infringements of racism. It is a founding text as it opened Criminal courts to associations.</p> <p>NB: General principle in France = penal actions are initiated by Public Prosecutor. Victims and NGO’s can join as civil parties.⁴</p>
3	<p>The law of FR/2001-1066 of November 16, 2001 regarding the fight against discrimination⁵ gives the possibility to representative trade unions and NGOs existing for over five years to intervene in the action for any apprentice, trainee, employment candidate or employee who alleges to have been victim of discrimination (article L122-45-1 of the Labour Code and Law 83-634 of July 13, 1983 in the public sector article 8 par. 1 et 2).</p>

¹ “Member States shall ensure that associations, organisations or other legal entities, which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive”.

² Law of July 1, 1901 on associations (consolidated on July 25, 2005)

³ Law France 72-576 (01.07.1972) relative à la lutte contre le racisme

http://www.legifrance.gouv.fr/jopdf/common/jo_pdf.jsp?numJO=0&dateJO=19720702&numTexte=&pageDebut=06803&pageFin=

⁴ See Code of Criminal Procedure <http://195.83.177.9/code/liste.phtml?lang=uk&c=34>

⁵ Law France 2001-1066 (16.11.2001) relative à la lutte contre les discriminations, NOR: MESX0004437L <http://www.legifrance.gouv.fr/.affichTexte.do?cidTexte=JORFTEXT000000588617&dateTexte=&fastPos=1&fastReqlD=1841688762&oldAction=rechTexte>

	<p>However, when the discrimination will have been perpetrated against individual persons, the NGO or the trade union will be able to pursue the action only if it establishes having received the consent of each person in writing when the action arises from application of article L.123-1 of the Labour Code, of article 6 of the Law No 83-634 of July 13, 1983 on the rights and obligations of civil servants, or if the victim is a minor, a written consent of his or her responsible parent or tutor.</p> <p>The article 31 Code of Civil Procedure recognises the standing of any person who has a legitimate interest in the dismissal or granting of the action in all civil cases. This principle has been referred to in order to award standing to NGOs when it established that the facts in issue were violating the collective interest it represented⁶.</p>
4	<p>In case of discrimination in housing, the law FR/2002-73 of January, 17, 2002⁷ extends the right of action of NGOs to collective and individual recourses. Besides this possibility, civil action does not allow for class action. Each Plaintiff must initiate a civil action that may be joined for the purpose of simplifying the hearing. However, this will not allow joining the court records. Therefore, legally each record will be treated separately and evidence adduced in one action will not benefit the others.</p>
5	<p>In 2004, the law FR/2004-204 of 9 March 2004⁸ adapting justice to the evolutions of criminality, reinforced the rights of associations in racist and discriminatory matters: <i>“Any association lawfully registered for at least five years on the date of offence, proposing through its constitution to combat racism or to assist the victims of discrimination grounded on their national, ethnic, racial or religious origin, may exercise the rights granted to the civil party in respect of, first, discrimination punished by articles 225-2 and 432-7 of the Criminal Code and the creation or the possession of the files prohibited under article 226-19 of the same code, and, secondly, the intentional offences against the life or physical integrity of persons, threats, theft, extortion, and destruction, defacement and damage, committed to the prejudice of a person because of his national origin, or his membership or non-membership, real or supposed, to any given ethnic group, race or religion. However, where the offence has been committed against a person as an individual, the association's action will only be admissible if it proves it has obtained the consent of the person concerned or, where the latter is a minor, the consent of the person holding parental authority him or that of his legal representative, where such consent may be given.”</i></p> <p>The conditions of exercise of the civil proceeding, in front of Criminal courts, are generally gathered under three criteria which are exerted in an alternative and restrictive way: five years of existence, agreement of the victim, preliminary implementation of the public action.⁹</p> <p>NB : on June 27, 2007, the European Commission sent formal request to France, to fully implement EU rules banning discrimination on the grounds of race or ethnic origin. According to this formal request, which took the form of a 'reasoned opinion', France has not implemented the Directive correctly because French law limits the right of interested</p>

⁶ See Code of Civil Procedure <http://195.83.177.9/code/liste.phtml?lang=uk&c=39>

⁷ Law France 2002-73 (17.01.2002) de modernisation sociale, NOR: MESX0000077L
<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000408905&dateTexte=&fastPos=1&fastReqId=616124625&oldAction=rechTexte>

⁸ Law France 2004-204 (09.03.2004) portant adaptation de la justice aux évolutions de la criminalité NOR: JUSX0300028L

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000249995&dateTexte=&fastPos=3&fastReqId=870436028&oldAction=rechTexte>

⁹ See Code of Criminal Procedure <http://195.83.177.9/code/liste.phtml?lang=uk&c=34>

	<p>parties to initiate proceedings to defend victims of discrimination (five years of existence for association). On September 3, 2007, the French government answered to the formal request of the European Commission, and regarding the limits to the right of interested parties to initiate proceedings to defend victims of discrimination, French authorities consider that the French legislative provisions dealing with the associations¹⁰ are sufficiently flexible to guarantee the effectiveness of the legal action of the associations in favour of the victims of discriminations. They estimate that the 5 years period, which must have been passed since the formation of an association before it cannot be party to legal proceedings, is a proportioned measurement, and underline the fact that, in France, the victims can be easily addressed to associations for being party to legal proceedings.</p>
6	<p>According to the law of December 2004 (Law FR/2004-1486¹¹ of 31 December 2004 creating the High Authority to fight against all discriminations and for equality) claims may be lodged with the High Authority against Discrimination and for Equality (Haute Autorité de lutte contre les discriminations et pour l'égalité –HALDE) by letter, either directly or through a member of parliament, by any person who considers him or herself a victim of discrimination. With the victim's consent, a claim may also be lodged by any duly registered association in existence for at least five years at the time of the event and whose stated mission is to combat discrimination. The HALDE may also, at its own initiative, investigate cases of direct or indirect discrimination brought to its knowledge, providing the victim, if identified, has been informed to this effect and has no objection. The HALDE investigates the claims it receives, using the investigative powers at its disposal. Accordingly it may ask any natural person, legal entity or public body for explanations, information or documents. It may also conduct onsite inspections and take evidence from any person whose testimony it deems necessary or helpful. The HALDE helps victims of discrimination compile their case file and informs them of the appropriate procedure for their case. Once a claim has been investigated, a draft decision is submitted to the HALDE Council, which decides what further action is to be taken. The HALDE informs the State Prosecutor of any events brought to its knowledge which appear to constitute an offence. At the request of the parties, or at their own initiative, civil, criminal and administrative courts may request the HALDE to present observations on the instances of discrimination submitted to them. The HALDE may itself request to appear before these courts, in which case it is heard ex officio.</p>
7	<p>The High Authority against Discrimination and for Equality (Haute Autorité de lutte contre les discriminations et pour l'égalité) was granted new powers by the Law of March 2006 (Law FR/2006-396 of 31 March 2006 for equal opportunities¹²) which was completed by a decree of 1 June 2006¹³ adding to article D 1-1 to the Code of Criminal Procedure. When the High Authority finds evidence establishing direct discrimination, it is entitled to</p>

¹⁰ Law of July 1, 1901 on associations (consolidated on July 25, 2005).

¹¹ Law France 2004-1486 (30-12-2004) portant création de la haute autorité de lutte contre les discriminations et pour l'égalité NOR: SOCX0400130L
<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000423967&dateTexte=&fastPos=2&fastReqId=1907228540&oldAction=rechTexte>

¹² Law France 2006-396 (31.03.2006) pour l'égalité des chances NOR: SOCX0500298L
<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000268539&dateTexte=&fastPos=1&fastReqId=1486704004&oldAction=rechTexte>

¹³ Decree n°2006-641 amending the criminal procedure code on settlement proposed by the High Authority against discrimination and for equality (modifiant le code de procédure pénale (troisième partie : Décrets) et relatif aux transactions proposées par la Haute Autorité de lutte contre les discriminations et pour l'égalité) (01.06.2006) available at <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=JUSD0630063D>

<p>suggest a settlement, if public prosecution has not yet been brought about. The settlement offer needs to specify the nature of the challenged evidence and its legal definition as well as the nature and number of the proposed measures and the time-scale for their execution. The maximum amount of the fine that the HALDE can suggest will be €3,000 for individuals, and €15,000 for legal entities. The settlement offer may also include damages to be paid to the victim or the compulsory posting or publication of the decision.</p> <p>The perpetrator has a right to be counselled by a lawyer and must give a reply within 15 days after having been communicated the settlement proposal. If the perpetrator accepts the proposal, the document must then be approved by the Public Prosecutor. If approved, the HALDE must notify the perpetrator of the decision, how to carry it out and the applicable deadline. Conversely, if the proposal is rejected, or the perpetrator does not carry out their obligations within the time limit, the HALDE must inform the Prosecutor or bring about public prosecution itself by direct summons.</p> <p>If the settlement obligations are carried out within the required time limit, the HALDE informs the Prosecutor, and the prosecution will be dropped. If they are not fully carried out, the file will be communicated to the criminal court trying the case, which will be able to take account of the measures which have been carried out.</p> <p>This is an important step, because it allows the High Authority to give effect to its findings, through suggesting a settlement offer.</p>

ANNEX 2

1	Organisation name (national language)	SOS Racisme
2	Legal mandate and/or state funding in the context of Art. 7 (2) of the RED	Legal mandate and state funding
3	Acronym	SOS Racisme
4	Translation of Name	SOS Racism
5.	Postal address	51, avenue de Flandre 75 019 Paris FRANCE
6	Telephone (indicate hotline , if any)	+33 (0) 1 40 35 36 55
7	Fax	+ 33 (0) 1 40 35 74 10
8	E-mail	info@sos-racisme.org
9	Website link	http://www.sos-racisme.org/
10	Number of staff	16 employees about 10,000 volunteers
11	Funding source(s) ¹⁴	<input checked="" type="checkbox"/> Public funding (e.g. government, regional or local authorities) (70%) <input checked="" type="checkbox"/> Private funding (e.g. subscriptions, sale of goods or services, etc) (30%)
12	Description of the organisation	<p>SOS Racisme is a national Non-Governmental Organisation, created in 1984, it aims at fighting against racism and anti-Semitism, and promotes equality. SOS racisme network unites forty five local committees. The International SOS racism Federation is based in Paris and gathers NGO's throughout European Union, several African countries and Canada. SOS Racisme has been a partner of the recent evolution of French public policies against racism and discrimination.</p> <p>SOS Racisme's main goal is to fight racial discrimination. Often the plaintiff in discrimination trials, the organization also offers support to immigrants and racial minorities that are facing discrimination. It is also heavily involved in protesting and publicising examples of discrimination in society and in the law.</p> <p>SOS Racisme uses testing as a method to expose racial discrimination by finding where racial double-standards may exist. For example, two identical work applications might be submitted to a prospective employer, with the only difference being the name of the applicants. One with a name of French origin, the other with a name suggesting the one of an immigrant. Other testings could take place at a realty office, where two people whose only difference is race would both look for housing, etc... This tactic has led to numerous law suits for racial discrimination, especially against nightclubs.</p>
13	Type of organisation ¹⁵	<input type="checkbox"/> Governmental Organisation <input type="checkbox"/> Specialised (Equality) Body <input checked="" type="checkbox"/> Non-Governmental Organisation <input type="checkbox"/> Social partner

¹⁴ Tick one or more categories

¹⁵ Tick one or more categories

14	Target group ¹⁵	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> National or ethnic minorities <input type="checkbox"/> Roma and Travellers <input checked="" type="checkbox"/> Immigrants <input type="checkbox"/> Asylum seekers, refugees <input checked="" type="checkbox"/> Religious minorities
16	Forms of support	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/facilitation services, assistance in resolving cases <input checked="" type="checkbox"/> Legal aid, advice and representation in court <input checked="" type="checkbox"/> Information about rights and legislation <input type="checkbox"/> Formal decision-making body¹⁶ <input checked="" type="checkbox"/> Psychological/social counselling services <input type="checkbox"/> Other practical support
17	Describe briefly any formal procedure necessary to receive support	<p>There are local committees of SOS Racisme in forty-five French cities. The Paris discrimination commission procedure is further detailed here, but there may be variations from a local committee to another. There are two main domains of intervention: legal resident permits issues that are dealt with by specialised agents on the one hand and racism and discrimination on the other hand.</p> <p>Individuals generally contact the NGO directly.</p> <p>Since 2003, all calls, mails and emails sent to SOS Paris discrimination commission are recorded using a data processing software. This tool allows the sharing of calls between volunteers and employees and helps coordination among the team.</p> <p>Unusually, calls to SOS Racisme are received by an operator. People complaining about racism and/or discrimination receive advices and, if required, they may be heard by the discrimination commission members. The support of victims of discrimination is mainly circumscribed to telephone listening and advices.</p> <p>In average, thirty per cent of callers receive are asked to send by mail all necessary documents, which is followed by an interview at the SOS Racisme discrimination service premises. Interviews are scheduled three days and a half per week: three employees deal with interviews during the week, and volunteers receive the public on Saturdays. This is the first step of a procedure which can last several months.</p> <p>Plaintiffs usually contact the NGO without having previously gathered reliable proofs of racial discrimination. Therefore, the SOS staff provides guidelines to collect straightforward indices that could prove the reality of unfair treatment. They teach plaintiff how to use the testing methods, and lend them recording equipment.</p> <p>When indices of discrimination remain unclear or incoherent, SOS staff forward the plaintiffs to trade unions, private lawyers, or other associations depending on cases.</p> <p>In case legal action is not possible, they try to find alternate solutions such as questioning alleged discriminators as well as persons and organisations involved (witnesses, trade-unions...) in the name of the association.</p> <p>If there are sufficient elements to process the case through court, volunteers ask victims to lodge a complaint about discrimination at the police station as a first step to the procedure.</p> <p>Besides testing procedures, in most cases, written pieces of evidence play a crucial role for it helps to corroborate statements and testimonies. In the meantime, SOS Racism starts a</p>

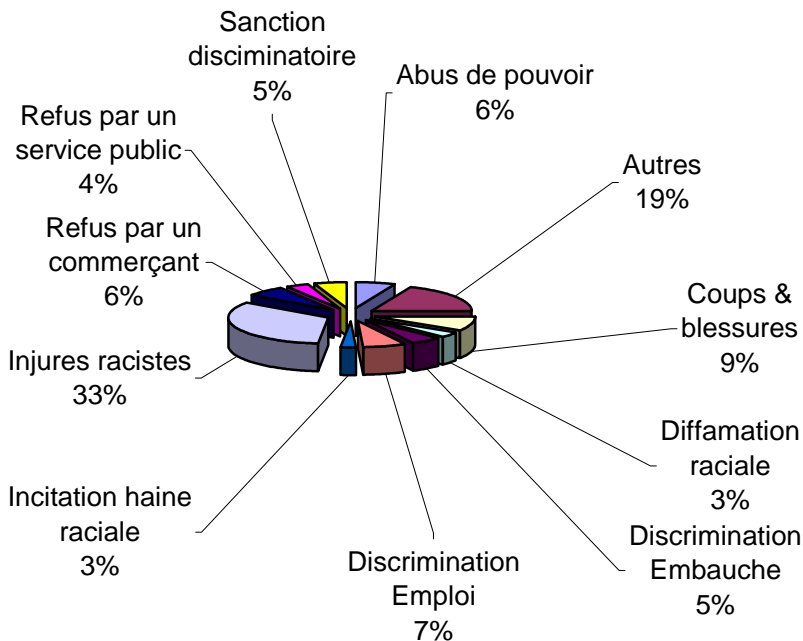
¹⁶ Please tick if the organisation is legally mandated to make decision upon complaints received.

		<p>legal procedure, by sending a “simple complaint” to Prosecutor (written by the association Vice-president or by a lawyer). Once all proof is consolidated, SOS Racisme brings a joint civil action with the complainant.</p> <p>This NGO rely on a network of lawyers (about 280). In case the victim have a direct personal interest (employee, neighbour, lessor, seller or buyer), and can not afford legal assistance, they also advise him/her to get in touch with a network of professionals linked to SOS that accept to be court-appointed lawyers in spite of the weakness of the State aid for legal service they get.</p>														
18	<p>If the organisation collects or investigates/processes complaints under RED, present any available relevant statistics (including complaints under RED received and follow up activities)¹⁷ (2000 onwards)</p>	<p>NB : No available statistics since the 2005 Special Study – SOS Racisme does not provide any more statistics...</p> <p>Between 2001 and 2003 SOS Racism registered hundred and ninety eight complaints, these complaints are individual complaints about acts of discrimination <i>and</i> racial harassment (the latter account for twenty-three per cent of the complaints). The acts mainly occurred at work and in civil services and, to a lesser extent, in housing and everyday life.</p> <div data-bbox="461 864 1501 1361" data-label="Figure"> <p style="text-align: center;">Discrimination par domaine</p> <table border="1"> <caption>Discrimination par domaine</caption> <thead> <tr> <th>Domaine</th> <th>Pourcentage</th> </tr> </thead> <tbody> <tr> <td>Injure, diffamation, incitation à la haine</td> <td>23%</td> </tr> <tr> <td>Service public (dont la police)</td> <td>30%</td> </tr> <tr> <td>Travail</td> <td>21%</td> </tr> <tr> <td>Logement</td> <td>15%</td> </tr> <tr> <td>Prestations de services</td> <td>8%</td> </tr> <tr> <td>Vie quotidienne</td> <td>3%</td> </tr> </tbody> </table> </div> <p>This data includes descriptions of the type of discrimination that the victims reported: a third are racist insults, then come assault and battery (nine per cent¹⁸), discrimination in employment (nine per cent), refusal of service, power abuse, discrimination in hiring, discriminatory sanction, civil service refusal, racial difamation, incitement to racist hatred.</p>	Domaine	Pourcentage	Injure, diffamation, incitation à la haine	23%	Service public (dont la police)	30%	Travail	21%	Logement	15%	Prestations de services	8%	Vie quotidienne	3%
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¹⁷ Please do not provide any complaints or incidents list, only statistics, if available.

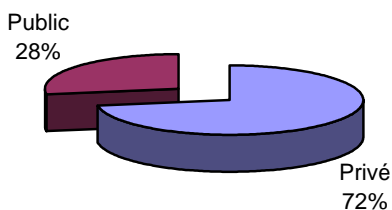
¹⁸ About 20% of cases are not specified.

Type de discrimination



Public/Private. Two third of the complaints for discrimination in access to housing are about private housing and eighty-seven per cent of complaints concern private firms. Nevertheless, SOS Racisme strongly nuances these statistics and insists they do not imply discrimination are lower in public hiring practices and housing. These kind of discrimination are simply not perceived by the victims, and very few cases come in front of a court.

Discrimination au logement Public/Privé



19

If the organisation **engages either on behalf or in support of the complainants under Art 7/2 RED**, present per year the number of complaints supported by the organisation that led to

No detailed data available, in 2007, SOS Racisme was civil party in 300 procedures.

a formal court or tribunal procedure, and the number of these complaints leading to sanctions (2000 onwards)	
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NB : The website is not updated, the person responsible for the anti-discrimination office is Christina DESYLLA.

1	Organisation name (national language)	Mouvement Contre le Racisme et pour l'Amitié entre les Peuples
2	Legal mandate and/or state funding in the context of Art. 7 (2) of the RED	Legal mandate and state funding
3	Acronym	MRAP
4	Translation of Name	Movement Against Racism and for Friendship between Peoples
5.	Postal address	43 boulevard Magenta 75010 Paris FRANCE
6	Telephone (indicate hotline , if any)	+ 33 (0) 1 53 38 99 99 No hotline
7	Fax	+ 33 (0) 1 40 40 90 98
8	E-mail	mrapsec@ras.eu.org juridique@mrapp.fr
9	Website link	http://www.mrap.fr/
10	Number of staff	National level: eight employees Local level (<i>fédérations départementales</i>): ten employees About 4500 members, and 500 volunteers
11	Funding source(s) ¹⁹	<input checked="" type="checkbox"/> Public funding (e.g. government, regional or local authorities) 70% <input checked="" type="checkbox"/> Private funding (e.g. subscriptions, sale of goods or services, etc) 30%
12	Description of the organisation	<p>The MRAP is a national non governmental organisation, it aims at fighting against racism and discrimination in all domains on the grounds of actual or presumed origin. The MRAP network unites ten federations at the level of the French départements and one hundred and sixty local committees, all registered as autonomous associations.</p> <p>Since its creation in 1949 the MRAP has developed its activities in the field of antiracism in France. From the 1970s, it has partly reoriented its actions towards the combat against racist discriminations.</p>
13	Type of organisation ²⁰	<input type="checkbox"/> Governmental Organisation <input type="checkbox"/> Specialised (Equality) Body <input checked="" type="checkbox"/> Non-Governmental Organisation <input type="checkbox"/> Social partner
14	Target group ¹⁵	<input checked="" type="checkbox"/> National or ethnic minorities <input checked="" type="checkbox"/> Roma and Travellers <input checked="" type="checkbox"/> Immigrants <input type="checkbox"/> Asylum seekers, refugees <input checked="" type="checkbox"/> Religious minorities
16	Forms of support	<input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input type="checkbox"/> Arbitration/facilitation services, assistance in resolving cases <input checked="" type="checkbox"/> Legal aid, advice and representation in court <input checked="" type="checkbox"/> Information about rights and legislation <input type="checkbox"/> Formal decision-making body ²¹

¹⁹ Tick one or more categories

²⁰ Tick one or more categories

²¹ Please tick if the organisation is legally mandated to make decision upon complaints received.

		<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Psychological/social counselling services <input type="checkbox"/> Other practical support
17	Describe briefly any formal procedure necessary to receive support	<p>Individuals come into contact with the MRAP through four ways:</p> <p>a. Advice and representation service units of MRAP Local Committees (but they are not provided in all départements) is the primary way. Local Committees do not always have premises to receive the public, so interviews have to be conducted in different places, depending upon local agreements. They can be organised in institutional places such as Maison de la justice et du droit/House for Justice and Law, or in City Hall. In twenty six per cent of cases, interviews are led in sociocultural premises that are sub-rented to another association, and the rest can happen only through previous appointment, and take place in bars or at the victims' home.</p> <p>For instance, two advice and representation service units are organised in Paris: at the House for Justice and Law (once a week), and another at the national MRAP headquarters (twice a week), held by three volunteers and one employee.</p> <p>b. The second mean is to get into contact with the national MRAP legal service (four persons at the national level). This service does not receive people but it answers to mails and sometimes meets victims once a legal procedure is engaged.</p> <p>c. When the COPEC has appointed a Local Committee as an “NGO referee”, this Committee is in charge of the follow up of some of the cases forwarded by the 114 telephone hotline.</p> <p>d. The fourth possibility, which is not totally effective currently, is to contact the MRAP through Internet.</p> <p>Procedures for supporting a victim of racial discrimination may vary from a local Committee to another, yet they follow the same pattern.</p> <p>The first interview with individuals complaining of discrimination has two different objectives, which may sometimes enter into conflict. The first is to listen to the person with empathy and acknowledge his/her suffering. The second is to determine the “reality” of a racial discrimination by analysing the situation reported by the plaintiff. The criteria to fit in a legal action narrow the definition of what may be considered as a “fact”, whereas the experience of victims of discrimination is often both omnipresent and hard to identify precisely.</p> <p>After this first interview, volunteers may ask people they received to write down facts, date, place and words pronounced precisely, and in case of violence, to produce a medical certificate.</p> <p>The different legal procedures are explained as well as the different ways to obtain a remedy. The strategy adopted to handle the problem is then</p>

		<p>defined with the victim.</p> <p>Apart from legal procedures, several actions of mediation are possible, depending on the specificity of each case:</p> <ul style="list-style-type: none"> - questioning of alleged discriminators - information to labour inspection - information to the victim's place of work hierarchy and trade unions - orientation of victims to other organisations (association ...) <p>Mediation is often privileged, through the questioning of alleged discriminators and the persons and organisations concerned (witnesses, trade-unions...). The aim of such a mediation is to have authors of discrimination acknowledge the seriousness of their attitude.</p> <p>Facts of discrimination always occur in relation with other types of problems. When the case seems to be primarily linked to other rationales, i.e. family conflicts, social exclusion or housing problem, volunteers send the plaintiff to specialised organisations and administrations that deal with such problems.</p> <p>In some cases, partnership between the MRAP local committee and other organisations (political parties, trade unions, Human Rights League-LDH, migrants associations...) have been useful to resolve cases.</p> <p>If the strategy to reach an agreement is not successful, volunteers will consider to help the victim to bring the case in court. They provide guidance to formulate the complaint, and, if necessary, advise victims to get in touch with a network of practitioners linked to the MRAP that accept to be court-appointed lawyers.</p> <p>If volunteers consider that the case is both "relevant and exemplary", they propose to the victim that the association brings a joint civil action. This decision is not taken according to the probability of being successful: for example, cases of police violence are extremely rarely sanctioned but the MRAP considers that the support of victims in such affairs is crucial to increase the awareness of public</p>
18	<p>If the organisation collects or investigates/processes complaints under RED, present any available relevant statistics (including complaints under RED received and follow up activities)²² (for the year 2000 onwards)</p>	<p>2006 650 phone calls per month i.e more than 7.000 calls. Among them 5.000 deal with discriminatory practices. 3.700 letters, among them 3.100 deal with discriminatory practices.</p> <p>2007 6.500 phone calls. Among them 4.600 deal with discriminatory practices. 4.000 letters, among them 3.500 deal with discriminatory practices. 2.250 mails</p>
19	<p>If the organisation engages either on behalf or in support of the complainants under Art 7/2 RED, present per year the number of complaints supported by the organisation that led to a formal court</p>	<p>2006 : 70 criminal procedures had been engaged by the MRAP 2007 : 130 criminal procedures had been engaged by the MRAP</p>

²² Please do not provide any complaints or incidents list, only statistics, if available.

	or tribunal procedure, and the number of these complaints leading to sanctions (for the year 2000 onwards)	
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1	Organisation name (national language)	Ligue Internationale contre le Racisme et l'Antisémitisme
2	Legal mandate and/or state funding in the context of Art. 7 (2) of the RED	Legal mandate and state funding
3	Acronym	LICRA
4	Translation of Name	International League against Racism and Anti-Semitism
5.	Postal address	42, rue du Louvre Bât B 75 001 Paris FRANCE
6	Telephone (indicate hotline , if any)	+33 (0) 1 45 08 08 08
7	Fax	+33 (0) 1 45 08 18 18
8	E-mail	licra@licra.org
9	Website link	http://www.licra.org/
10	Number of staff	20 employees About 10.000 members
11	Funding source(s) ²³	<ul style="list-style-type: none"> ✓ Public funding (e.g. government, regional or local authorities) 70% ✓ Private funding (e.g. subscriptions, sale of goods or services, etc) 30%
12	Description of the organisation	<p>The LICRA's aim is to stay in permanent alertness concerning any kind of discrimination. It fights against everyday racism and the banalization of xenophobic acts. It helps the victims who are most of the time not aware of their rights. It pays attention to any racist speech in the media. It does not want in any case to alter the press's freedom of speech, but only to find and correct any hate or discrimination incitement. It also makes sure that any negationist document is removed from sale. Moreover, it sues websites that publish racist or anti-semitic content, and warns the hosts about the risks they bring upon themselves. Finally, it attacks racist contents in some political speeches. The convictions that have already been made prove that these are crimes, not points of view.</p> <p>Since 1999, with the arrival of its new president, the LICRA extended its area of action. It now treats society problems such as work discrimination, citizenship, disadvantaged young people...through nine thematic commissions :</p> <ul style="list-style-type: none"> • The Psychological Help Commission supports victims of racist or anti-semitic acts who find themselves overwhelmed. • The Legal Commission (legal council office) examines and decides whether or not to sue racist speech or writing. It can also help victims by giving them juridic advice. • The Youth Commission carries out local and national actions to make young people more sensitive to racism and anti-semitism issues. This commission brings together subscribers aged 16 to 30, every second Sunday of the month. • The Memory, History and Humans Rights Commission, created in 1986, informs and trains all the LICRA members. • The Sport Commission tries to keep sport as an integration tool. It leads prevention action towards violence in stadiums. It fight against communitarism, and against those who use sport as a means of recruitment and infiltration. In Europe, the LICRA represents France in the FARE network.

²³ Tick one or more categories

		<ul style="list-style-type: none"> • The Education Commission makes young people more aware of republican values. • LICRAnet, the Internet Commission deals with racist and antisemitic websites, it sues websites that publish racist or anti-semitic content, and warns the hosts about the risks they bring upon themselves. • Integration and citizenship Commission • Europe Commission
13	Type of organisation ²⁴	<input type="checkbox"/> Governmental Organisation <input type="checkbox"/> Specialised (Equality) Body <input checked="" type="checkbox"/> Non-Governmental Organisation <input type="checkbox"/> Social partner
14	Target group ¹⁵	<input checked="" type="checkbox"/> National or ethnic minorities <input checked="" type="checkbox"/> Roma and Travellers <input checked="" type="checkbox"/> Immigrants <input type="checkbox"/> Asylum seekers, refugees <input checked="" type="checkbox"/> Religious minorities
16	Forms of support	<input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/facilitation services, assistance in resolving cases <input checked="" type="checkbox"/> Legal aid, advice and representation in court <input checked="" type="checkbox"/> Information about rights and legislation <input type="checkbox"/> Formal decision-making body ²⁵ <input type="checkbox"/> Psychological/social counselling services <input checked="" type="checkbox"/> Other practical support
17	Describe briefly any formal procedure necessary to receive support	<p>Individuals come directly into contact with the LICRA through its 90 local federations (there are federations in each department and in big cities). Each federation has a legal council office which deals with complaints. The LICRA's federations do not receive the public directly; victims of racism and discrimination have to contact the legal service by phone, mail or letter.</p> <p>Calls to LICRA are received by an operator. People complaining about racism and/or discrimination receive advices and, if required, they may be heard by the discrimination commission members. The support of victims of discrimination is mainly circumscribed to telephone listening and advices. If there are sufficient elements to process the case through court, volunteers ask victims to lodge a complaint about discrimination at the police station as a first step to the procedure. Then the legal service contacts the victims and meets them.</p> <p>The LICRA has a special commission dealing with racism and anti-Semitism on the Internet, people can directly signal racist and anti-Semitic websites through the LICRA website, and the LICRAnet commission deals with these specific complaints.</p>
18	If the organisation collects or investigates/processes complaints under RED, present any	

²⁴ Tick one or more categories

²⁵ Please tick if the organisation is legally mandated to make decision upon complaints received.

available relevant statistics (including complaints under RED received and follow up activities)²⁶ (for the year 2000 onwards)

Activities of the legal council offices

	2006				
	Phone calls	Letters	Mails	Total	Percentage
Reporting	91	27	116	234	17,50
Insults	240	29	27	296	22,14
Discriminations	356	30	27	413	30,89
Violences	52	5	9	66	4,94
Defamations	11	0	0	11	0,82
Errors - cases the LICRA do not deal with	132	37	75	244	18,25
Errors - cases regarding foreigners, aylum seekers or refugees law	44	10	19	73	5,46
				1337	100

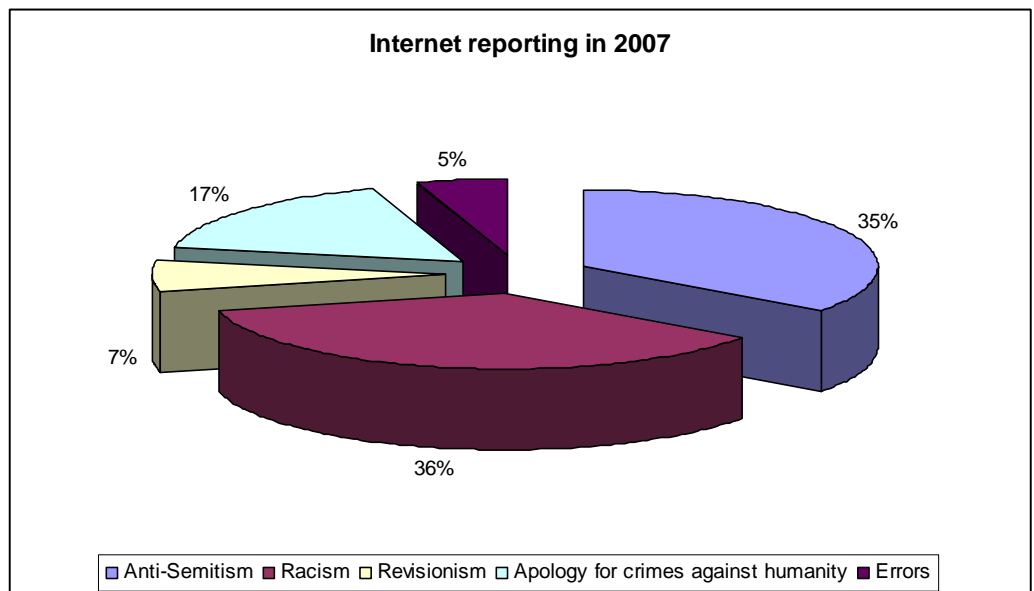
	2007				
	Phone calls	Letters	Mails	Total	Percentage
Reporting	53	28	50	131	16,71
Insults	152	13	20	185	23,60
Discriminations	101	15	19	135	17,22
Violences	30	5	5	40	5,10
Defamations	5	3	4	12	1,53
Errors - cases the LICRA do not deal with	102	67	29	198	25,26
Errors - cases regarding foreigners, aylum seekers or refugees law	**	**	**	83	10,59
				784	100

Activies of the LICRAnet Commission

2006 : 930 websites with racist or anti-Semitic contents reported to the Commission

2007

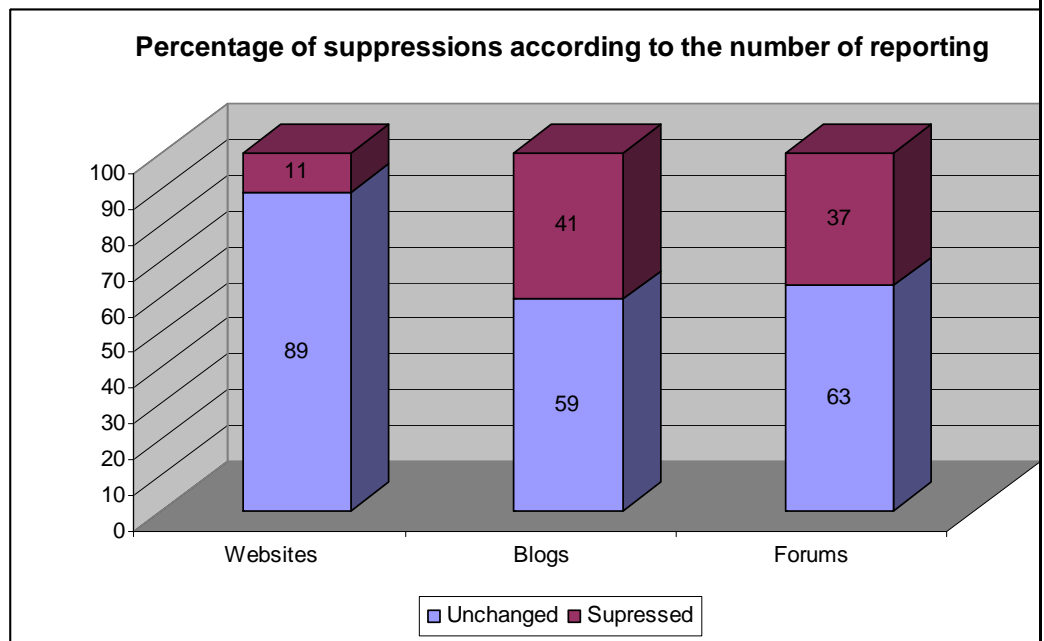
Between January 1 and November 30, 2007, the LICRA received, through its website, 560 reporting, including 198 blogs, 113 sites and 249 forums.



²⁶ Please do not provide any complaints or incidents list, only statistics, if available.

The LICRA notes that the proportion of removal of racist contents on the Internet is very weak, even when the organisation reports to the Association des Fournisseurs d'Accès à Internet (Internet Service Providers Association). Indeed, after a reporting to the Association, only 41 per cent of racist or anti-Semitic blogs are suppressed, and 89 per cent of websites and 63 per cent of forums remain unchanged.

The weakness of the suppression of racist and anti-Semitic websites can be explained by the important proportion of racist, anti-Semitic, neo-Nazi or revisionist websites lodged abroad, thus escaping from the French law regarding illegal contents on the Internet. This figure is also explained by the length and the complexity of the procedures imposed by the French law.



19 If the organisation **engages either on behalf or in support of the complainants under Art 7/2 RED**, present per year the number of complaints supported by the organisation that led to a formal court or tribunal procedure, **and** the number of these complaints leading to sanctions (for the year 2000 onwards)

The LICRA is civil party in 82 legal procedures in 2007. During the year 2007, it opened 42 procedures. The same year, it obtained 90 per cent of condemnations and 10 per cent of discharge or release.

NB: Statistics on complaints data for the year 200 onwards are not available.

1	Organisation name (national language)	Haute autorité de lutte contre les discriminations et pour l'égalité
2	Legal mandate and/or state funding in the context of Art. 7 (2) of the RED	<p>Legal mandate (Law 2004-1486²⁷ of 31 December 2004 creating the High Authority to fight against all discriminations and for equality)</p> <p>The Halde is not mandated to engage as civil party in any judicial procedure.</p> <p>Claims may be lodged with the HALDE by any person who considers him or herself a victim of discrimination. The HALDE may also, at its own initiative, investigate cases of direct or indirect discrimination brought to its knowledge, providing the victim, if identified, has been informed to this effect and has no objection. The HALDE investigates the claims it receives, using the investigative powers at its disposal. Accordingly it may ask any natural person, legal entity or public body for explanations, information or documents. It may also conduct onsite inspections and take evidence from any person whose testimony it deems necessary or helpful. The HALDE helps victims of discrimination compile their case file and informs them of the appropriate procedure for their case. The HALDE informs the State Prosecutor of any events brought to its knowledge which appear to constitute an offence. At the request of the parties, or at their own initiative, civil, criminal and administrative courts may request the HALDE to present observations on the instances of discrimination submitted to them. The HALDE may itself request to appear before these courts, in which case it is heard ex officio. The HALDE is also entitled to suggest a settlement, if public prosecution has not yet been brought about.</p> <p>State funding</p>
3	Acronym	HALDE
4	Translation of Name	High Authority against Discrimination and for Equality (the French equal opportunities and anti-discrimination commission)
5.	Postal address	11, rue Saint Geroges 75 009 Paris FRANCE
6	Telephone (indicate hotline , if any)	08 1000 5000 (hotline) + 33 (0)1 55 31 61 00
7	Fax	+33 (0) 1 55 31 61 99
8	E-mail	<p>No general e-mail, to contact the HALDE you should look at the website: http://www.halde.fr/Contact.html</p> <p>Nepheli Yatropoulos – European and International Relations nepheli.yatropoulos@halde.fr</p>
9	Website link	http://www.halde.fr
10	Number of staff	70
11	Funding source(s) ²⁸	<input checked="" type="checkbox"/> Public funding (e.g. government, regional or local authorities) <input type="checkbox"/> Private funding (e.g. subscriptions, sale of goods or services, etc)
12	Description of the organisation	The Haute Autorité de Lutte contre les Discriminations et pour l'Égalité (HALDE - the French equal opportunities and anti-discrimination commission) is an independent statutory authority established under Act No. 2004-1486 of 30 December 2004. It is competent to deal with all forms of discrimination, whether direct or indirect, prohibited by law or by an international commitment ratified by France. The HALDE conducts

²⁷ Law France 2004-1486 (30-12-2004) portant création de la haute autorité de lutte contre les discriminations et pour l'égalité NOR: SOCX0400130L
<http://www.legifrance.gouv.fr/.affichTexte.do?cidTexte=JORFTEXT000000423967&dateTexte=&fastPos=2&fastReqId=1907228540&oldAction=rechTexte>

²⁸ Tick one or more categories

		<p>communication and information campaigns designed to promote equality, and supports the introduction of training programmes. The HALDE is made up an 11-member Council, which determines the action to be taken on claims and issues recommendations. A Council-appointed Advisory Committee assists with these tasks. The HALDE has a number of support departments, which report to the Chair.</p> <p>The HALDE investigates the claims it receives using the investigative powers at its disposal. Accordingly, it may ask any individual, legal entity, or public body for testimony, information, or documents. It may also conduct on-site inspections and take evidence from any person whose testimony it deems necessary or helpful. When requesting information or testimony, the HALDE gives formal notice to those concerned to reply by a set date. If, by the set date, there has been no response to the formal notice, the Chair of the HALDE may refer the matter to urgent summons judges (<i>juge des référés</i>) to order any investigative measures the latter deems necessary. The HALDE aids victims of discrimination in compiling their case files and informs them of the appropriate procedures. Once a claim has been investigated, a draft decision is submitted to the HALDE Council, which decides what further action is to be taken. It may, for instance, instruct that a dispute be settled out of court through mediation. The HALDE informs the State Prosecutor of any events brought to its knowledge that appear to constitute an offence. At the request of the parties or at their own initiative, civil, criminal and administrative courts may request that the HALDE present observations on the instances of discrimination submitted to them. The HALDE may itself request to appear before these courts, in which case it is heard <i>ex-officio</i>. The HALDE may propose a settlement involving payment of a fine and compensation for the damages sustained by the victim, as well as public notice measures. This settlement is subject to approval by the State Prosecutor. In the event of rejection or non-compliance with the settlement, the HALDE may file directly with the criminal court.</p> <p>The HALDE also conducts communication and information campaigns designed to promote equality, and supports the introduction the introduction of training programmes. It strives to promote equal opportunities by:</p> <ul style="list-style-type: none"> • conducting communication campaigns; • carrying out research; • identifying and encouraging best practices; • setting up partnerships with public and private players; • recommending changes to the legislation and regulations where necessary.
13	Type of organisation ²⁹	<input type="checkbox"/> Governmental Organisation <input checked="" type="checkbox"/> Specialised (Equality) Body <input type="checkbox"/> Non-Governmental Organisation <input type="checkbox"/> Social partner

²⁹ Tick one or more categories

14	Target group ¹⁵	<input checked="" type="checkbox"/> National or ethnic minorities <input checked="" type="checkbox"/> Roma and Travellers <input type="checkbox"/> Immigrants <input type="checkbox"/> Asylum seekers, refugees <input checked="" type="checkbox"/> Religious minorities
16	Forms of support	<input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/facilitation services, assistance in resolving cases <input type="checkbox"/> Legal aid, advice and representation in court <input checked="" type="checkbox"/> Information about rights and legislation <input checked="" type="checkbox"/> Formal decision-making body ³⁰ <input type="checkbox"/> Psychological/social counselling services <input type="checkbox"/> Other practical support
17	Describe briefly any formal procedure necessary to receive support	<p>A new telephone hotline: 08 1000 5000</p> <p>People can have access to information on their rights, on French legislation and on the procedure to submit a case to the HALDE, they can contact an information counsellor from Monday to Friday, 9am to 8pm at a local communication price.</p> <p>Any person considering he/she faced discriminatory practices can directly refer to the HALDE by writing a motivated mail to:</p> <p>Haute Autorité de Lutte contre les Discriminations et pour l'Egalité Service juridique 11-15 rue Saint Georges 75009 Paris</p> <p>Victims can also seize the HALDE by Internet, fill in the following form: https://www.halde.fr/Saisir-en-ligne.html</p> <p>Any antiracist non governmental organisations established for five years at least can bring a case to the HALDE in support of victims of discrimination, under the condition it obtains the victim's consent.</p> <p>Any person considering he/she faced discriminatory practices can also refer to the HALDE by the intermediary of a Parliament member, a Senate</p> <p>The HALDE may also, at its own initiative, investigate cases of direct or indirect discrimination brought to its knowledge, providing the victim, if identified, has been informed to this effect and has no objection.</p>
18	If the organisation collects or investigates/processes complaints under RED, present any available relevant statistics (including complaints under RED received and follow up activities) ³¹ (for the year 2000 onwards)	
<p>2005</p> <p>Between January 1, 2005 and February 28, 2006³², 1.822 complaints had been registered by the High Authority. Two main elements have to be noted:</p> <ul style="list-style-type: none"> - employment is the most important field of complaints (45,3 per cent); - origin is the most important reason for being discriminated (39,6 per cent). 		

³⁰ Please tick if the organisation is legally mandated to make decision upon complaints received.

³¹ Please do not provide any complaints or incidents list, only statistics, if available.

Complaints registered by the Halde (January 2005- February 2006)

Complaints according to reasons for being discriminated (in per cent)		Complaints according to fields of discrimination (in per cent)	
Origin	39,6	Employment	45,3
Health/handicap	13,9	Public services	18,3
Gender	6,2	Goods and services (except housing)	7,9
Age	5,6	Law	7,4
Religion	2,2	Housing	5,3
Other	32.5	Education	5,3
		Other	10,5

Sources: HALDE (2006), Annual report 2005

Treatments of the complaints registered by the HALDE (January 2005- February 28th 2006):

1.822 complaints registered

626 had been treated

Average delay of treatment: 91 days

Deliberations of the HALDE: 163

64 recommendations

21 referrals of a case to a court

3 reorientations to a non-repressive jurisdiction

5 mediations

70 inadmissible complaints

2006

Between January 1 and December 31, 2006, 4,058 claims were registered by the HALDE,³³ The average number of claims filed per month is 338 in 2006. The breakdown of claims by discrimination criteria and area maintains a certain consistency:

- origin remains the most frequently cited criterion put forward by discrimination victims. The second most frequently cited criterion is that of health or disability.
- employment is still the area in which most claims are filed, followed by public services.
- A total of 30,954 calls were recorded on the shared-cost information and guidance hotline (08 10 00 50 00) between January 1 and December 31, 2006.

Complaints registered by the HALDE (January 1, 2006 to December 31, 2006)

Complaints according to reasons for discrimination (%)		Complaints according to fields in which discrimination occurred (%)	
Origin	35.04	Employment	42.87
Health/handicap	18.63	Public services	22.45
Gender	5.00	Goods and services	9.46
Age	6.19	Housing	4.37
Religion	1.33	Education	5.42
Other	9.39	Other	15.43
Unspecified*	24.42		

*The "Unspecified" category comprises claims for which no discrimination criterion can be identified or for which the reason cited for discrimination is not prohibited by law.

³² HALDE (2006), Annual report 2005 available at <http://www.halde.fr/rapport-annuel/2005/> (30.08.2006)

³³ The data provided in this section are data from the HALDE. They are publicly available in the Annual report of the HALDE: HALDE (2007), Annual Report 2006, <http://www.HALDE.fr/rapport-annuel/2006/>

Comparative table of claims registered in 2005 and 2006

	2005		2006	
	Number of claims	Percentage of total	Number of claims	Percentage of total
Origin	540	38.30	1422	35.04
Health/disability	196	13.90	756	18.63
Age	78	5.53	251	6.19
Gender	86	6.10	203	5.00
Family/marital status	78	5.53	83	2.05
Union activity	71	5.03	150	3.70
Opinions	42	2.98	57	1.40
Sexual orientation	38	2.70	61	1.50
Religious beliefs	31	2.20	54	1.33
Physical appearance	16	1.13	29	0.72
Genetic characteristics	0	0.00	1	0.02
Other	234	16.60	991	24.42
TOTAL	1410	100	4058	100

Comparative table of claims registered in 2005 and 2006, by area

	2005		2006	
	Number of claims	Percentage of total	Number of claims	Percentage of total
Employment				
Recruitment (private sector)	138	9.79	332	8.18
Career (private sector)	273	19.36	726	17.89
Recruitment (public sector)	72	5.11	160	3.94
Career (public sector)	183	12.98	522	12.86
Regulations				
Public service operations	237	16.81	624	15.38
Private goods and services	116	8.23	384	9.46
Public housing	39	2.77	91	2.24
Private housing	39	2.77	86	2.13
Education	72	5.09	220	5.42
Other	143	10.14	626	15.43
TOTAL	1410	100	4058	100

2007

In 2007, the number of received complaints increased: the Halde registered 6.222 complaints, i.e an increase of 53 per cent. Employment is still the most important field of complaints, with more than 50 per cent of complaints (in increase), followed by public services (20,35 per cent, - 2 points), good and services (13,26 per cent, + 4points), housing (6,11 per cent, +2 points) and education (4,57 per cent, -1 point). Origin is still the most important reason for being discriminated. The Halde has received 11.689 complaints since its creation in 2005.

19

If the organisation **engages either on behalf or in support of the complainants under Art 7/2 RED,** present per year the number of complaints supported by the organisation that led to a formal court or tribunal procedure, **and** the number of these complaints leading to sanctions (for the year 2000 onwards)

Processing of cases filed with the HALDE:
 By December 31, 2005, the HALDE had processed 363 cases. In the course of 2006, it handled 2,143 cases. Average delays for claims processing ranged from ninety-one days in 2005 to 113 days by the end of 2006. In 2006, the Council ordered 344 measures, including 151 recommendations to the government, public authorities, and businesses. During that same year, the Council exercised the new powers given by Parliament, and a total of twenty settlements (involving payment of a fine) were proposed. By December 31, 2006, sixteen of these settlements had been accepted and transferred to the office of the public prosecutor for approval. The remaining cases, as required by the seriousness of the facts, were transferred by the Council to the State Prosecutor. Forty-two cases in this category were thus transferred in 2006. It also issued a recall to the rule of law (*rappel à la loi*). The Council used mediation whenever appropriate. Again by virtue of its new powers, the Council decided to present observations to courts in forty-eight cases (new Art. 13 of the Act of 30 December 2004). The number of claims settled in the course of investigation by the HALDE, even before submission to the Council, more than tripled in 2006 by comparison with 2005, confirming recognition of the HALDE's authority and its regulatory function. See Annex 2a.

MEASURES ORDERED BY THE COUNCIL		
	2005	2006
Court proceedings	1	48
<i>Rappels à la loi</i>	0	42
Recommendations	29	151
Referrals to the public prosecutor's office (Art. 12)	14	42
Mediation	1	33
Settlement involving the payment of a fine	0	20
Rejected claims*	62	8
TOTAL	107	344

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

OUT-OF-COURT SETTLEMENTS*		
	2005	2006
The parties reach a settlement after the claim has been filed	59	197

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

REDIRECTED CLAIMS		
	2005	2006
Transfers to the public	16	4

prosecutor's office (Art. 40)		
Referrals to other bodies	122	529
TOTAL	138	533

*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.

CLAIMS REJECTED BEFORE SUBMISSION TO COUNCIL DECISION*

	2005	2006
Inadmissible or unfounded claims	41	918
Claims abandoned by the claimant	18	207
TOTAL	59	1.125

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.

