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Organisations supporting victims of discrimination  
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<b>COMBATTING RACIAL DISCRIMINATION IN FRANCE: AN EMERGENT FIELD OF ACTION</b>	<b>3</b>
<b>PART I</b>	<b>4</b>
A.SOS Racisme: Organisation detail	4
B.SOS Racisme: Legal status and mandate	5
C.SOS Racisme: Forms of support to victims of racial discrimination	5
D.SOS Racisme: Procedures	8
A.MRAP: Organisation details	9
B. MRAP: Legal status and mandate	10
C. MRAP: Forms of support for victims of racial discrimination	10
D. MRAP: Procedures	12
A. GELD-114/ HALDE: Organisation details	15
B. GELD-114/ HALDE: Legal status and mandate	15
C. GELD-114/ HALDE: Forms of support and role in relation to victims of racial discrimination	16
D. HALDE: Procedures	21
<b>PART II THE RELAIS MUNICIPAL DE LUTTE CONTRE LES DISCRIMINATIONS IN MULHOUSE</b>	<b>22</b>
Summary	22
Introduction	22
A. Historical background of the Mulhouse/Relais municipal contre les discriminations	23
B. The Mulhouse/Relais Municipal organisation	24
C. Activities and core competences	26
D. Future development of the agency	28

# Combatting racial discrimination in France: an emergent field of action

The fight against discrimination has recently become a major concern for the State and antiracist organisations. Mainly through criminal law, labour Code, and provisions concerning access to housing<sup>1</sup>, French legislation prohibits discrimination on the ground of race, sex, ethnic origin, religion, sexual preferences or political opinion in all aspects of social life.

Public action, as well as civil society initiatives against racial discrimination, have undergone major transformations since the end of the 90's, partially due to the implementation of the anti-discrimination EU directives in national legislation<sup>2</sup>.

Nevertheless, the effective enforcement of this legislation remains problematic. In spite of existing legislation, enforcement figures are still very low. There are very few rulings in which the accused is found guilty of discrimination as provided in article 225-2 of the French criminal law: three in 1997, fifteen in 1998 and eight in 1999.

The increased awareness of racial discrimination by public authorities, trade unions and research in social sciences in France stems from a movement which started at the beginning of the 80's. Actually, all racist organisations have not yet accomplished the new turn towards antidiscrimination by adding a new expertise to their usual actions against racism and antisemitism. The International League against Racism and Antisemitism-LICRA, for instance, remains mostly concerned by antisemitism, while the Human Rights League-LDH is still lacking behind when it comes to litigation strategies. Among all antiracist organisations, the Movement Against Racism and for Friendship between Peoples-MRAP and SOS Racisme have performed similar shift in philosophy and forms of action. Empowerment strategies and different forms of support of victims of racial discrimination – such as assistance in resolving cases or legal help, advice and assistance when processing cases through courts described in the present report – are some aspects of the fight against discrimination that have recently been implemented.

These non-gouvernemental antiracist organisations participated to the recent evolution of French public policies against racism and discrimination. The first public scheme aiming to tackle discrimination was established by different steps

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<sup>1</sup> France, CNCDH (2004), *La lutte contre le racisme et la xénophobie*, p.71

<sup>2</sup> Transposition of European directives 97/80 1997 December, 15th and 2000/43 of 2000 juin 29th in French law. Cf. LATRAVERSE, S. (2001) *L'approche française en matière de lutte contre le racisme, la xénophobie et les discriminations, note de droit rédigée dans le cadre du projet Raxen*. France : GIP GELD,

after 1998. Until 2004, it had three major components, detailed in the present report:

1. The Commission Départementale d'Accès à la Citoyenneté-CODAC were settled in 1999 by the Home Office through an administrative instruction on January 18<sup>th</sup> 1999. Under the supervision of prefects and prosecutors, it is in charge of the elaboration and implementation of a local policy against discrimination on the one hand, and of litigation of discrimination cases on the other hand. These structures bring together state departments, local elected officials, national job centers, welfare organisations, Chambers of Commerce and Industry, employer organisations, trade unions and anti-racist organisations.
2. The Groupe d'Etudes et de Lutte contre les Discriminations-GELD was created in the second semester of 1999. Its mission consists in conducting thematic studies on discrimination and management of the 114 telephone hotline.
3. The 114 telephone hotline is open to victims of discrimination. It is to be a source of information, a place to talk and listen, an orientation platform and a public service reporting acts of discrimination.

The limited results reached by this previous scheme led to its transformation through a new law, which has been passed in December 2004 to comply fully with the European Directives.

This law followed a report written by a task force chaired by the Ombudsman, Mr Bernard Stasi, in 2003. In December 2004, Parliament passed a law providing for the establishment of the Haute Autorité de Lutte contre les Discriminations et pour l'Egalité-HALDE, a national independent body specialised in the fight against all grounds of discrimination (sex, race, ethnic origin, religion, sexual orientation, age...). The HALDE will begin operating in June 2005 and will provide guidance to victims of discrimination through advice as well as a conciliation service, and will have standing to bring cases to court.

## Part I

### **A. SOS Racisme: Organisation detail**

Name: SOS RACISME / SOS RACISM

Adress: 28, rue des Petites écuries  
Service Discrimination - 75010 Paris  
eMail: info@sos-racisme.org  
Web site: <http://www.sos-racisme.org>  
Tel: + 33 (0) 1 53 24 67 67

Fax: + 33 (0) 1 40 22 04 02

Number of staff and volunteers: 15 employees, about 10,000 volunteers

Funding sources:

Private subsidies (patronage, membership): 30%

State subsidies: 70%

## B. SOS Racisme: Legal status and mandate

SOS Racisme is a national Non-Governmental Organisation, member of the French National Advisory Committee on Human Rights-CNCDH. Created in 1984, it aims at fighting against racism and antisemitism, and promotes equality. SOS racisme network unites forty five local comitees. The International SOS racism Federation is based in Paris and gathers NGO's throughout European Union, several African countries and Canada. The organisation was part of the GELD board of directors.

SOS Racisme has been a partner of the recent evolution of French public policies against racism and discrimination.

## C. SOS Racisme: Forms of support to victims of racial discrimination

In France, in spite of current efforts to build statistical data, there is very little official statistical or NGO data that expressly reports on discrimination in relation to victim's origins. SOS Racisme recently developed several strategies to collect and analyse individual complaints in several ways.

This NGO presented data resulting from six hundred and ninety eight complaints reported to the organisation between 2001 and 2003<sup>3</sup>. The authors describe individual complaints about acts of discrimination *and* racial harassment (the latter account for twenty-three per cent of the complaints), according to the place where they occurred: mainly at work and in civil services and, to a lesser extent, in housing and everyday life. 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 cent<sup>4</sup>), 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.

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

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<sup>3</sup> CNCDH (2004), *La lutte contre le racisme et la xénophobie*. Paris : La documentation Française

<sup>4</sup> About 20% of cases are not specified.

practices and housing. These kind of discrimination are simply not perceived by the victims, and very few cases come in front of a court.

#### *Hiring practises*

In a recent report<sup>5</sup>, SOS racism analyses with precision thirty cases of racial discrimination in hiring practises – some of these cases represent up to several hundred victims – that has been processed through court by SOS.

#### *Access to housing*

A report released in 2002 gathers information on legal actions SOS Racisme has taken against fourty social housing organisations. It also reports testimonies from victims and/or testimonies of racial discrimination in access to public and private housing linked to agencies, owners, and administration practices.

#### *Defence and support of victims of racial discrimination*

SOS Racisme developed different forms of assistance to victims of discrimination within the frame of several campaigns. The ongoing campaign, started in 2003 is entitled “Testers of the Republic” and follows the campaign “Discrimination kill talents” launched in october 1999.

They both have similar objectives: inform and increase the public awareness on everyday racism, encountered by immigrants and their children in all domains, and reach out to potential victims so that they can react by using all means offered by the French legislation.

During the first campaign 1999-2000, more than seven hundred cases linked to racism and discrimination in the Parisian region (3/4) and the rest of France (1/4) has been delt with<sup>6</sup>.

The « Republic testers » campaign implements more systematically different testing procedure developed by SOS Racisme in France since several years: by physical confrontation, by telephone conversations, by CV mailing and proof recording by video or audio means. After the highly publicised testings SOS Racism organised in the domains of leisure and consumption (night-clubs, bars, shops...), in employment and in housing, this method has been accepted as legal piece of evidence in litigation by the Criminal Law Chamber of the Court of Cassation<sup>7</sup> in 2002.

The present campaign implies all local committees and volunteers in different tasks involved: search for places to test, contact the media in order to publicise their action and follow-up the cases.

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<sup>5</sup> Thomas VINCENT (2005), *Rapport d'analyse des affaires récentes de discriminations a l'embauche poursuivies par SOS racisme*, France : SOS Racisme, presented to the President of the HALDE on Mars 21<sup>st</sup>, 2005

<sup>6</sup> Nicole HOARAU (1999), *Des discriminations raciales ou...des atteintes à la dignité de la personne*, Study for SOS Racisme Bureau Nationa., France : SOS Racisme

<sup>7</sup> France has a double level of jurisdiction and a supreme jurisdiction. This means that a case already ruled on by a first instance (trials level) court may be appealed to a higher court (appeals level). Above the appeal court, a judge of the Court of Cassation (*Cour de Cassation*) may rule on the legality of lower court decisions.

SOS Racism consider that the participation of victims of racial discrimination is central to their action. The present campaign is based upon the idea people facing discrimination shall not be solely considered as “victims” but as “testers of the (French) Republic” that will “contribute through their action to make the principle of equality respected”.

The 2005 report on SOS activities in the domain of discrimination in hiring practises details the different ways victims reacted to discrimination. When victims accept to become a civil party to proceedings<sup>8</sup>, they are then associated to the proof gathering procedure. A fraction of victims of discrimination then continued to participate to SOS Racisme activities, especially during the communication campaign (for example, they accepted that their picture would be the support of posters). When victims proceeded to a testing by themselves or on SOS advices, they always decided to become a civil party to proceedings.

In many cases, victims are very reluctant to starting legal procedure, and accept to take legal action at the very last moment. They are cautious about of the judiciary system, its expensive and time wasting procedure. SOS racisme systematically insist on this possibility and try to support them in order to face legal procedure.

People who regularly face discriminatory practises often do not trust justice and do not see any usefulness in bringing cases to court. In cases victims do not even know they have been discriminated against, as for instance when discrimination is reported by witnesses. In this case, SOS contact victims when they can have access to personal phone number in order to inform them of the existence of current judicial proceedings and inform them they have the right to take legal action and may be obtain money damages. Most people did not know, and hardly acknowledged they had been victims of discrimination. They were afraid of the consequences of a legal action on their chance to find a job or did not want to start a long and uncertain procedure. They do not want to see themselves as “victims”, loose hope in their future and self-confidence in their capacities.

Apart from legal action, discrimination in hiring practices has also been specifically adressed through another campaign “*ça va être possible*”<sup>9</sup>. The association established a partnership with major companies (Axa, Schneider Electric, Mac Donald’s, Michael Page, etc.). They agreed on the following procedure: the association send them young graduate CV and the firms comit themselves to have an interview with them. They received 2000 CVs for engeenering, computer specialist, marketing functions, and 500 persons have been hired through this procedures.

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<sup>8</sup> French civil law recognises the existence of an *action civile* for damages in case of crimes. Article 2 of the French Penal Code provides that: “all who have personally suffered a damage directly caused by the crime have a right to reparation of that damage by a civil cause of action. (*action civile*”).

<sup>9</sup> “It is going to be possible”

Apart from the above mentioned campaigns, SOS Racisme has been solicited to write an information brochure for detailing legal procedures victims of discriminatory practices in access to private and public housing can follow<sup>10</sup>.

## D. SOS Racisme: Procedures

There are local committees 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.

Individuals generally contact the NGO directly or through the 114 telephone hotline.

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.

Usually, calls to SOS Racisme are received by an operator. People complaining about racism and/or discrimination receive advice 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 advice.

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.

### *Legal aid, advice and legal action on behalf or in support of victims of discrimination*

Plaintiffs usually contact the NGO without having previously gathered reliable proofs of racial discrimination. Therefore, the SOS staff provide guidelines to collect straightforward indices that could prove the reality of unfair treatment. For instance, in case of discrimination in access to private rented housing, SOS staff advise the plaintiff to check if the apartment that has been refused is still available on the next week, and to ask someone belonging to the majority group they know to call back. They teach plaintiff how to use the testing methods, and lend them recording equipment.

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<sup>10</sup> France, SOS Racisme (2002), *Bilan et perspectives des politiques publiques de lutte contre les discriminations raciales et ethniques dans l'accès au logement. Travaux de recherche pour l'élaboration d'un dépliant d'information du Secrétariat d'Etat au Logement à l'attention des locataires et demandeurs de logement*, » 21.03.2002

When indices of discrimination remain unclear or uncoherent, SOS staff forward the plaintiffs to trade unions, private lawyers, or other associations depending on cases.

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.

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.

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 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 racism brings a joint civil action with the complainant.

The proof consolidation and collection of information is obtained through monitoring methods such as:

- Contacting other applicants to the same job/flat
- Inquiry on the company or public institution incriminated.
- Contacting actual or possible witnesses

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.

## A. MRAP: Organisation details

Name: Mouvement Contre le Racisme et pour l’Amitié entre les Peuples / Movement Against Racism and for Friendship between Peoples - MRAP

Adress: 43 boulevard Magenta  
75010 Paris

eMail: [mrp@ras.eu.org](mailto:mrp@ras.eu.org)

Website: [www.mrap.asso.fr](http://www.mrap.asso.fr)

Tel: + 33 (0) 1 53 38 99 99

Fax: + 33 (0) 1 40 40 90 98

Number of staff and volunteers

National level: eight employees

Local level (*fédérations départementales*): ten employees

About 4500 members, and 500 volunteers

#### Funding sources :

- 1) Members: 20 per cent
- 2) Public subsidies 70 per cent

#### *National level:*

- The Population and Migration Directorate-DPM of the French Ministry for Employment, Labour and Social Cohesion
- Fond d'action et de soutien pour l'Intégration et la Lutte contre les Discriminations / National Fund of action and support for Integration and Fight against Discrimination-FASILD (national public administrative establishment that comes under the French Ministry for Employment, Labour and Social Cohesion)
- National Education
- Cities

#### *Regional level:*

- Regions and départements
- FASILD
- Prefecture

## B. MRAP: Legal status and mandate

The MRAP, a national non governmental organisation, is a member of the French National Advisory Committee on Human Rights - CNCDH and has a consultative status at the United Nations. Member of the GELD board of directors, it also participates to the European network against racism (ENAR), and UNITED network.

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.

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.

In October 2000 the State (represented by Martine Aubry, minister of Employment and Solidarity) and the MRAP (represented by his general secretary Mouloud Aounit) agreed on a convention-frame for the campaign entitled "Discrimination. Let's open our eyes".

## C. MRAP: Forms of support for victims of racial discrimination

MRAP developed different forms of assistance to victims of discrimination within the framework of the above mentioned campaign "Discrimination.

Let's open our eyes<sup>11</sup>". Discussions began in 1998 and activities started before the beginning of 2001 International Year against Racial Discrimination. This campaign accounted for a "pragmatic" shift in MRAP's activities, and more generally, in antiracist organisation actions. Instead of considering racism solely as a system of ideas, this new strategy aims at focusing on everyday racism and discriminatory practices, as well as guidance to victims.

The campaign's first axis, detailed in the present report, addressed support and assistance to victims of racial discrimination. The second axis aimed at awareness-raising of issues pertaining to racial discrimination through action of training and information (*e.g.* theater plays, expositions and movies followed by public debates; publication of a guide on the rights of victims of discrimination; an internet site<sup>12</sup>; 300 000 postal cards...). The objective of the third axis was capitalisation of knowledge, the share of good practices and collaboration with social scientists through different partnerships.

Assistance to victims have been organised through the creation of fifty "advice and representation service units" (*permanences d'accueil*) in twenty-eight départements (on one hundred). Some have been entirely created during the campaign, others added specific assistance of victims of discrimination to their previous activities (focused on foreigners rights and access to citizenship). The grants received for the campaign allowed the training of one hundred persons by attorneys and psychologists in order to bring appropriate assistance and legal aid to victims. They provide arbitration and facilitation services, information about rights and legislation, assistance in resolving cases as well as legal aid, advice and representation when processing cases through courts (*cf.* part D. procedures).

One of the objective of the 2000-2002 campaign against discrimination was to establish indicators of follow up at local level, centralised and processed at national level. This part of the project has not been achieved, but this objective is still on the agenda: the collection of quantitative and qualitative data will be one of the core objective of the next campaign.

As mentioned above, the MRAP is member of the CNCDH and contribute to public recommendations made by this commission. As a member of the GELD board of directors and of the Forum for the creation of a High Authority against discrimination<sup>13</sup>, the MRAP also participated to recommendations on the characteristics of the future HALDE. The mode of access of victims to the specialised body has been brought into question: the use of a written procedure has been criticized by the MRAP and other organisations in this lobby.

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<sup>11</sup> France, ADRI, *Discriminations Ouvrons les yeux (2000-2002)*. Index card established for Raxen 3.

<sup>12</sup> <http://www.discriminations-racistes.org>. This website does not exist anymore: internauts are directed to the MRAP website.

<sup>13</sup> A lobby of NGOs and experts which advocate for the creation of an independent body against any kind of discrimination.

The scheme is conceived in a way that victims should be able to properly analyse their situation and write down the most “relevant” aspects of their complaint according to legal and administrative criterias. The MRAP experience of assistance to victims shows that these criterias do not necessarily coincide with the ways victims describe their situation.

Secondly, the scheme remains unclear when it comes to the future of complaints which will not meet the criterias to be brought to court – which occurs in the majority of the cases. What kind of answer will be given to the suffering and feeling of injustice expressed by victims during face-to-face interviews ? The association also highlighted that this procedure may produce a risk of discriminatory “filtering”. An alternative, claims the MRAP, could be to delegate the duty to receive the plaintiffs by the NGOs, which require to allocate resources for this activity.

The MRAP representatives also insisted on the necessity to establish territorial representants of the HALDE to secure a territorial coverage of the scheme. They asked for the organisation of national Conferences on discrimination twice a year. Both of these proposals have not been introduced in the law that created the HALDE (see further).

Another recommandation deals with the lack of economic means, that discourages many victims of discrimination from bringing cases to court: MRAP representants plead for an increase of the state aid for legal services received by court-appointed lawyers: its underfunding leads to the penury of legal practitioners.

Along with personal support, the MRAP also started to support collective action by the victims of racial discrimination, though such is still very unusual. For example, it has provided help to a group of plaintiffs from the same firm who claim to be discriminated against in their professional career. MRAP Local Committees have been created in a few workplaces.

A book is scheduled to tell short stories written by authors of "Whodunit" based on victims' testimonies along with academic research on discrimination and a short account of the association activities.

## D. MRAP: Procedures

Individuals come into contact with the MRAP through four ways:

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 insitutional places such as Maison de la justice et du droit/House for Justice and Law, or in City Hall. In twenty six 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<sup>14</sup>.

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.

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 meet victims once a legal procedure is engaged.

c. When the CODAC 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.

d. The fourth possibility, which is not totally effective currently, is to contact the MRAP through Internet.

Procedures for supporting a victim of racial discrimination may vary from a local Committee to another, yet they follow the same pattern<sup>15</sup>.

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.

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.

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 defined with the victim.

Apart from legal procedures, several actions of mediation are possible, depending on the specificity of each case:

- 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 ...)

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<sup>14</sup> France, ADRI (2003), *Etude de cas: les permanences d'accueil du MRAP*.

<sup>15</sup> France, MRAP, Fédération de Paris (2003), *Permanence d'accueil des victimes de discriminations : Bilan 2003*.

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.

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.

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.

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.

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 authorities.

In France, the proof of direct or indirect discrimination still relies on the complainant. The Parisian federation reports that a growing number of victims develop “testing procedures” on their own, which rarely turn to be valid in front of a court.

Most cases are dismissed (*classés sans suite*). Of the sixty-nine complaints sent to prosecution services in 2001, only thirty-four legal proceedings have been initiated<sup>16</sup>. Though MRAP volunteers usually encourage victims to process cases through court, these are often discouraged by the length, cost and implications of legal procedures. Of twenty-six dismissed “simple complaints”<sup>17</sup> in 2003<sup>18</sup>, only five victims brought a complaint as a civil party.

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<sup>16</sup> France, MRAP (2002) *Différences*, spécial number on the 1972 law, n°241/242, June-July

<sup>17</sup>“Simple complaints” are the first step of legal proceedings which consists in sending a simple letter to Prosecution Services or in lodging a complaint at the police station, and most of them are then dismissed (*classées sans suite*). The victim may then choose to bring complaint as a civil party for damages, (and have to pay for it), which necessarily starts legal proceedings.

<sup>18</sup> France, MRAP, Fédération de Paris (2003) *Permanence d'accueil des victimes de discriminations : Bilan 2003*

## A. GELD-114/ HALDE: Organisation details

Name: (since 2005) Haute Autorité de Lutte contre les Discriminations et pour l'Égalité / High Authority Against Discrimination and for Equality -HALDE

Address: 11-15 rue Saint Georges - 75009 Paris

Telephone hotline: 08 1000 5000

Web site: [www.le114.com](http://www.le114.com)

(1999-2004) GELD-114 Groupe d'étude et de lutte contre les discrimination / Group for study and fight against discrimination

Number of staff (no volunteers): thirty

Funding source: State subsidies

## B. GELD-114/ HALDE: Legal status and mandate

### 1. A new specialised body

In December, 2004, Parliament passed a law creating a *Haute autorité de Lutte contre les Discrimination et pour l'Égalité* / High Authority Against Discrimination and for Equality - HALDE. The HALDE is an independent administrative body in charge of the combat against direct or indirect discrimination on the grounds of actual or supposed race, sex, ethnic origin, religion, handicap, age, or sexual orientation in all domains of social life (employment, housing, education, leisure, consumption, health...). This new body will offer assistance to victims, and will have powers of mediation and investigation.

The HALDE is composed of a college (directory board) of eleven members appointed by the highest public institutions (Presidency, Senate, National Assembly, Supreme Court) for five years.

These appointments must respect gender parity. Their mandate is neither revocable nor renewable. This college will set up an advisory committee associating qualified personalities to its tasks. These should be chosen among representatives of associations, trade unions, professional organisations, and any person having an activity in the field of the fight against discrimination and promotion of equality. All grounds of discrimination have to be covered, which means that few NGOs will be represented in each activists domain.

On March 3<sup>rd</sup> 2005, the President of the Republic appointed M. Louis SCHWEITZER, former chairman of Renault, as President of the HALDE. The HALDE will mandate territorial delegates. Initially, five territorial delegations will be created and others could be created later on.

### 2. The previous scheme against discrimination: CODAC and the GELD-114

The CODAC were settled in 1999 by the Home Office through an administrative instruction of January 18th 1999, in order to « help children of

immigrant parents to find a job and integrate society, and to reduce discrimination in hiring practices, and in the field of housing and leisure activities » (01/18/99). The CODAC are under supervision of prefects and prosecutors, and facilitate partnership between State departments, local councillors, National Job Centers, welfare organisations, Chamber of Commerce and Industry, employer organisations, trade unions and anti-racists groups. CODAC objective is to fight against racial discrimination at a local level.

GELD (1999-2004) has been created under “Public Interest Group” (GIP) legal status. Its objectives are twofold. One is the understanding and analysis of discrimination in France on the ground of “race”, color, or national origin, whether real or presumed. The second is the action program organised around the 114 telephone hotline, in connection with the CODAC. Its board of directors is composed of public authorities, anti-racist groups, employers organizations and trade unions. It also has a scientific board, which is composed of researchers and academics.

Reviews of the existing knowledge and information gathered from various public authorities and lobbies are brought to the attention of government, local authorities and public opinion so as to initiate public action and debate on its conclusions.

The 114 telephone hotline is accessible to victims of discrimination. It is to be a source of information, a place to talk and listen, an orientation platform and a public service reporting acts of discrimination.

Most GELD permanent staff will be transferred to the HALDE.

## C. GELD-114/ HALDE: Forms of support and role in relation to victims of racial discrimination

### 1. The 114 telephone hotline (may 2000 – 2004)

The 114 was available six days a week. Eighteen “114 listeners” received specific training in order to be able to answer adequately to victims of discrimination phone calls. Their first duty were to listen the callers and give them information on their rights and, if requested by the victim, report their case to the CODAC by sending a monitoring sheet.

Not all the calls resulted in registration: sometimes people preferred to remain anonymous or to ask for information only. When a victim requests a personal follow-up of his/her situation and accepts to transmit his/her identity, 114-listeners fill a monitoring sheet and transmit it to the local CODAC<sup>19</sup> permanent secretary who is in charge to deal with the case. Then, the permanent secretary contacts a “referee” in charge of the follow-up of the case (either a

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<sup>19</sup> according to the caller’s place of residence.

person working in a decentralised State departement, for local authority, or in an antiracist organisations, a trade-union...) that can start legal proceedings.

Because of the lack of regular information campaign, the 114 telephone hotline experienced a weakening notoriety: a CREDOC survey made in December 2001 showed that only 13% of the population knew the existence of the 114.

One of the objective of the public policy against discrimination was to collect and analyse data concerning individual complaints. The 114 audit<sup>20</sup> produced an overview of calls received, of populations concerned, on the reason of their call, and of domains where discriminatory practices are more frequently denounced.

There are two main bias in this data, as highlighted by the evaluation report: first, by definition, it only deals with characteristics of individuals that decided to call the 114; the second limit is that the study only give an overview of cases that have been transmitted to the CODAC through the monitoring sheet system, not of the whole number of calls.

Between May 16<sup>th</sup> 2000 and May 15<sup>th</sup> 2002, the 114 telephone hotline received 86594 calls related to discrimination. Six out of ten (46093) required listening, exchange and in-depth analysis from “114 listeners”.

A part of the callers aimed at testifying about their situation but were reluctant to follow the next step of the procedure, *ie*, fill a monitoring sheet describing the main components of the discrimination and bearing their identities, as they needed to give it some thought or feared about retaliation.

As a result, 11 571 monitoring sheets – which corresponds to 10 243 persons – have been transmitted to the permanent secretary of the CODAC. Some individuals had to call several times as they did not received any responses or information about the treatment of their complaint.

#### *Who calls and why ?*

*A majority of citizens.* Almost three cases of discrimination out of four has been signaled by French citizens, and in most cases, by men (sixty-two per cent).

In average, 18% of callers complained on behalf of victims. Half of them were a member of the victim’s family, which reveal difficulties victims encountered to talk about the discrimination they had to face.

Quite unexpectedly, twenty-three per cent callers were forty to fifty-nine years old adults. More than two third of callers were twenty-six to fifty-nine years old adults. Young people primarily reported discrimination in night-club and to a lesser extent, access to labour market (twelve per cent).

A significant number of calls (4291) were racist, using the free telephone line as a mean to denounce the so-called “privileges” “granted to foreigners”.

*Employment and professional life come first.* Callers reported discrimination in many different domains. Employment, training and professional life clearly

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<sup>20</sup> France, GIP GELD (2002) *La lutte contre les discriminations Bilan critique de deux années de fonctionnement du dispositif 114-CODAC*

come first (thirty-four per cent of the calls). Then comes access to goods and services (nineteen per cent), housing and neighbourhood problems (ten per cent each), relations with the police (eight per cent), access to education and school life (five per cent), administration (four per cent), justice, health, or transport services (between one and two per cent each).

Women and men usually called the 114 telephone hotline for different reasons. A majority of men expressed its concern about employment and professional life, and for the youngest, access to night-clubs. Women complained more often of difficulties encountered in education, housing, social life and neighbourhood. They also formed the majority of the calls on behalf of victims, most of the time for facts related to their children.

In spite of difficulties encountered to give appropriate responses to victims claims, the 114 telephone hotline helped “to reveal the importance of everyday discrimination and of the diversity of the needs and expectations of those who face discrimination”<sup>21</sup>.

According to its official mission, GELD conducted an audit of the following up of cases by the CODAC<sup>22</sup>. The audit came to the conclusions that the CODAC did not obtain the expected results. The good will of permanent secretaries and the training they received did not compensate the structural inadequacy of the scheme:

- Advice and support of victims turned out to be inadequate.
- Indirect discrimination has not been dealt with.
- The initial ambition of a mobilisation of public authorities and civil society did not occurred.
- Legal proceedings – criminal and civil – remain scarce.

These limits are one of the reasons that led all actors to actively call for the creation of an independent specialised body against discrimination, and participate to its creation.

## 2. The GELD

Since its creation the GELD has coordinated working groups on the following issues: professions and employment barred to non nationals, the use of law in the fight against discrimination, access to public housing, symbolic violence, the training of security forces and the discriminatory barriers suffered by certain populations to access employment. In the domain of information about rights and legislation, three notes are of a particular interest:

GELD, Note n°1 (1999) An unknown form of discrimination ; employment inaccessible to foreigners (private sector, public companies, public service)

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<sup>21</sup> France, GIP GELD (2002) *La lutte contre les discriminations Bilan critique de deux années de fonctionnement du dispositif 114-CODAC*

<sup>22</sup> France, GIP GELD (2002) *La lutte contre les discriminations Bilan critique de deux années de fonctionnement du dispositif 114-CODAC*

GELD Note n°2 (2000) The use of the law in the fight against discrimination: the burden of proof

GELD Note n°3 (2001) Racial and ethnic discrimination in access to social housing

Web site: [www.114.com](http://www.114.com)

During the first semester of 2004, a new web site version has been released by the GELD, while preparing, for the future specialised body, the enlargement of the grounds of discrimination covered by the HALDE. This site is a useful tool for victims of discrimination and all actors of the fight against discrimination. It gathers information in several fields: rights, culture, and pedagogy. It embraces the main legal texts and aims at publicise research on the topic <sup>23</sup>. The documents available were distributed on the different headings:

- “News” and “Agenda”
- “Texts and legal documents”
- “Movies and documentary films”
- “discrimination documents”: according to domains ; according to grounds
- “Access to rights”:
  - Institutions
  - Index cards on:
    - bank account access rights
    - criminal complaint
    - testimonies
    - individual allowances for housing
    - custody (*garde à vue*)
    - criminal record (*casier judiciaire*)
- “Forum »
- “Bibliography”
- “Directory”

Since 2002, the “114.com” regularly releases its electronic newsletter that counts more than a thousand subscribers. A special number published on 2005, March 4<sup>th</sup> dealt with last news concerning the HALDE establishment.

All GELD notes have been a support for advices and legislation recommendations on assistance to victims. For example, the 2000 GELD note concerning the use of the law in the fight against discrimination concludes by presenting recommendations which had been included in the final writing of the 2001, November 16<sup>th</sup> law on the fight against discrimination.

During 2004, the GELD actively took part to the preparation of the HALDE, especially during the second mission for the HALDE “prefiguration” entrusted to Bernard Stasi on April 2<sup>nd</sup> 2004. The objective of the mission, financed by the GELD, was to prepare the material aspects of the future authority: budget, staff, offices of the future body. The GELD has been associated to the law preparation with State services. A great part of the “GELD technical support

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<sup>23</sup> France, CNCDH (2004) *La lutte contre le racisme et la xénophobie*, p. 67

group”for the HALDE creation have dealt with the preparation of useful tools: documentary work, orientation directory, census of existing public policies against discrimination, broadening of the website headings, analytical study of existing documents on all grounds of discrimination<sup>24</sup>.

### 3. The new independent administrative body

#### *HALDE Inquiry powers*

The HALDE has competence to investigate on the basis of individual and collective complaints, whether the investigation is initiated on its own accord or by written demand of the claimant. Its inquiry powers allow the HALDE to request for explanation to any private or public person, including communication of documents and hearing of relevant witnesses. In case of non compliance, the HALDE can request a court order.

The law also enables the HALDE to ask public authorities to proceed to verifications or inquiry by any service of the State. It can proceed to visits in non private premises after due consent notice and consent of the owner.

#### *Mediation*

The HALDE assist the plaintiff to draw up his/her file and help him/her to identify relevant procedures. It also can or ask existing administrations (*Conciliateur de justice, Mediateur familial, Médiateur de la République*, etc.) (to) resolve cases through mediation.

When the HALDE issue its conclusions and recommendations to the parties, they benefit from a delay to comply with changes requested. In case of non compliance, the HALDE will have the power to call public attention on its recommendations.

#### *Relations with justice and disciplinary authorities*

When in presence of criminal offence, it will transmit the claim to penal court. The HALDE has also been conceived as an auxiliary of Justice. Criminal, civil, and administrative jurisdictions can authorise the HALDE to present its observations on cases under adjudication.

#### *Promotion of Equality*

The HALDE will ensure the promotion of equality, by conducting studies and research, promoting initiatives of public and private organisations on this subject. It identifies and acknowledges equality of treatment professional good practices. It releases an annual report to the President of the Republic, to Parliament and Prime Minister.

#### *Reform propositions*

The HALDE will be able to recommend legislative or lawful modifications and can be consulted by the government on all questions concerning the fight against discrimination or the promotion of equality.

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<sup>24</sup> France, CNCDH (2004) *La lutte contre le racisme et la xénophobie*, pp. 69-70

## D. HALDE: Procedures

*The HALDE procedure to help victims of discrimination (from June 2005)*

A new telephone hotline: 08 1000 5000

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 7pm at a local communication price.

Any person considering he/she faced discriminatory practices can directly refer to the HALDE by writing a motivated mail to:

Haute Autorité de Lutte contre les Discriminations et pour l'Egalité  
Service juridique  
11-15 rue Saint Georges  
75009 Paris

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.

Any person considering he/she faced discriminatory practices can also refer to the HALDE by the intermediary of a Parliament member, a Senate member, and a French representant of the European Parliament.

The HALDE can directly handle cases of direct or indirect discrimination it knows, under the condition the victim, when identified, has been informed and do not oppose to the procedure.

# Part II The Relais municipal de lutte contre les discriminations in Mulhouse

## Summary

Initiated by the City of Mulhouse, the objectives of the Relais Municipal de lutte contre les discriminations<sup>25</sup> project are to tackle discrimination on the grounds of actual or supposed race, sex, ethnic origin, religion or disability at a local level. The project develops individual support for victims of discrimination (listening, information and advice services) as well as collective action with participating organisations (public national and local institutions and non governmental organisations). This transversal project is composed of 1) a project steering committee (*Comité de pilotage*), which is in charge of defining the political orientation of the project; 2) a project monitoring group (*Cellule de suivi*), which is in charge of the implementation of the project objectives; 3) a full time social worker, who has been hired by the municipality for the eighteen months experiment to provide advice service and organise the coordination between partners, with the support of the Alsace/Observatoire Régional de l'Intégration et de la Ville-ORIV<sup>26</sup>.

## Introduction

The Relais municipal de lutte contre les discriminations project multidimensional impact at a local level is guaranteed by the large scope of participating organisations (decentralised government departments, municipality services, non governmental organisations) involved in, which pursue complementary objectives and cover different neighbourhoods. The originality of the project lies in the combination of individual support and collective action in the domains of labour (hiring practices and management), housing, education, training...

The initial idea was to provide advice services to victims of discrimination in the City Hall and within each deprived neighbourhoods were the *Politique de la Ville*<sup>27</sup> is currently implemented, in order to facilitate its accessibility. Unexpectedly, it turned out people preferred going to the City Hall for that kind of matter and did not wish to go to premises they live near-by.

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<sup>25</sup> “Municipal relay service against discrimination”

<sup>26</sup> “Regional Observatory of Integration and the City”. This non governmental organisation aims at conducting and publicising surveys and studies on immigrant social integration and on the *Politique de la Ville* in Alsace. It also has an advisory mission with public institutions.

<sup>27</sup> The *Politique de la Ville* is a multidimensional programme, tackling housing (measures to combat residential segregation, urban regeneration) and integration—both social (community support, access to urban rights) and economic (tax assistance for companies, local training and integration schemes, education support).

This experience can easily be transferred. The political and financial involvement from the municipality and from the State; the choice to set up a transversal network rather than a new municipal department, combined with professional support from the Alsace/ORIV can be implemented in other local contexts under the condition to ensure legitimacy and publicity to the key actors of the project and the implication of all partners.

The participating organisation involvement and the participation of the Mulhouse/Relais municipal to European and national programs (e.g. EQUAL, and the “territorial plans of action against discrimination”) will guarantee the sustainability of this experimental project. Moreover, the team formed by the Relais’s social worker and the Alsace/ORIV manager (who has competencies in sociology and in project management) carries on a regular follow-up of the project. Self-assessment procedures has been implemented during the preparation and experimental phases, and a full evaluation of the results is planned after the next two years of activity.

## A. Historical background of the Mulhouse/Relais municipal contre les discriminations

The creation of the Relais municipal contre les discriminations has been initiated by the City of Mulhouse. Two partners are involved: the mayor and three elected officials in charge of the “integration of the migrants and the fight against discrimination,” the *Politique de la Ville* and local disability policy. The Alsace/Observatoire Régional de l’intégration et de la ville-ORIV participates to the project as an advisor.

Initially, the idea was to develop free advice and representation service units for victims of racial discrimination – close to the type of units that antiracist organisations have recently implemented (*cf.* Part 1). Nevertheless, the municipality could not implement legal support of the complainants. Thus, the key issue was the kind of response a municipal service such as the Relais can bring to acts of racial discrimination faced by inhabitants. Partners then agreed on a core objective: provide additional individual support to victims and set up collective actions as an alternative to legal proceedings.

The project of the creation of the Mulhouse/Relais Municipal de lutte contre les discriminations has been submitted to partners through interviews around the possible objectives and activities of this transversal project. From mid 2002, discussions, diagnostics and preparation of the project lasted for one year and a half. This phase led to several rearrangements. Whereas initially focused on racial discrimination, the scope of the project has been widened to include two other major grounds of discrimination: gender and disability. This broader scope of the project is linked to the involvement of specialised municipal services and associations (in particular the NGO Centre de Documentation et d'Information des Femmes et des Familles/Center of Documentation and Information for Women and Families-CEDIFF, and a municipal service for disabled persons).

After this phase of preparation, an eighteen-month experiment phase (January 2004 to September 2005) has been launched. Its main objectives consist in:

- Providing support and advice for victims of «race», gender and disability discrimination,
- Allowing exchanges and sharing of experiences between partners,
- Bringing collective responses to situations that cannot be dealt with through legal action,
- Changing representations and prejudices.

## B. The Mulhouse/Relais Municipal organisation

The Relais municipal contre les discriminations is a service of the City of Mulhouse. This transversal project is composed of 1) a project steering committee (*Comité de pilotage*), which is in charge of defining and the political orientation of the project; 2) a project monitoring group (*Cellule de suivi*), which is in charge of the implementation of the project objectives; 3) a full time social worker, who has been hired by the municipality for the eighteen months experiment to provide advice service and ensure the coordination between partners, with the support of the ORIV.

The project is subsidised by public financial funds. Each partner contribute the amount of 17500 euros for the budget, which is currently worth a total of 52500 euros:

- The FASILD
- State subsidies have been granted in the framework of the *Politique de la Ville* funds (Fond d'intervention pour la Ville-FIV) which are currently decreasing.
- The City of Mulhouse

The European Social Fund-ESF will become a fourth source of financial means as the project will be implemented within the frame the EQUAL Program.<sup>28</sup>

### 1. Project steering committee (Comité de pilotage)

The Steering committee comprises elected officials of the City of Mulhouse who undertook the project, the State (Prefecture, National Education, Justice), the Alsace/Délégation Régionale aux Droits des Femmes-DRDF, the secretary of the Haut Rhin/Commission Départementale d'Accès à la Citoyenneté-CODAC, and the Haut-Rhin/Commission Départementale D'Accès aux Droits-CDAD.

The municipal services of the City of Mulhouse involved in the project (services in charge of integration, women, disabled persons and the social service) are also members of the committee. Along with the employee in charge of the advice service of the Relais municipal de lutte contre les discriminations, they have a consultative role in the steering committee.

The steering committee members meet three times a year. They validate the orientations of the Relais, evaluate the actions implemented, provide advice on

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<sup>28</sup> EQUAL is a EU programm that aims at fighting against discrimination at work.

the experiment, and make propositions on the basis of the analysis of the registered complaints.

## 2. Project monitoring group (*Cellule technique*)

The monitoring group is in charge of the implementation of the project. It comprises the main local organisations and services involved in the fight against discrimination where advice services regularly take place :

- A local association for socioeconomic insertion named “Espace Développement-ED ” and located in the post-war social housing neighbourhood of Bourtzwiller, where many immigrants employed by the local industry settled several decades ago.
- Mulhouse/Sémaphore, which is an important local social service for young people located in different neighbourhood of Mulhouse (the advice service takes place in the city centre)
- Mulhouse/Fil, which employs about twelve persons and dedicate their activities to the most deprived inhabitants living in the old neighbourhood of the Porte du Miroir, where many immigrants settled, predominantly Turks.
- Mulhouse/CCL Coteaux, a cultural and leisure center in the recently built social estates of the Coteaux.
- The Alsace/Ligue Contre le Racisme et l’Antisémitisme/League Against Racism and Antisemitism -LICRA. This local section of the LICRA is one of the most active antiracist local organisation in the Alsace region and mainly helps the victims to bring cases to court.
- Mulhouse/THEMIS, which is an association that facilitates access to right for women and children (about seven employees) and proposes free consultations with lawyers and psychologists.
- Mulhouse/ Centre de Documentation et d’Information des Femmes et des Familles-CEDIFF. This centre initiated the project with the City of Mulhouse and deal with gender discrimination.
- The Centre socioculturel Wagner, a sociocultural center located in an inner city neighbourhood
- The local section of the Human Rights League-LDH
- the permanent secretary of the CODAC
- The Haut Rhin/Local Directorate for Labour and Professional training (a decentralised State department)-DDTFP recently joined the network on their demand.

An elected official of the City of Mulhouse attend to the meeting as well as agents of municipal services (social service and services in charge of disabled persons, women rights and of the Politique de la Ville).

The ORIV manager participates to the monitoring group in the framework of its advisory mission.

The Mulhouse/ House for Justice and Law and the Mulhouse/Régie de l’Ill, a local public corporation located in the neighbourhood Drouot, also take part to the project, though advice services do not take place in their premises.

The monitoring group tasks consist in analysing collectively the complex cases in order to find adapted solutions and analysing the discriminatory practices that are submitted to their organisations.

Meetings of the monitoring group take place once a month.

### 3. The schedule of the advice service offered by the Mulhouse/Relais municipal de lutte contre les discriminations

The municipality hired a social worker for the duration of the experiment<sup>29</sup>. The main tasks of this employee is to provide advice services to victims along with the coordination of collective actions. The ORIV manager regularly meets the Relais's employee (at least twice a month) to discuss the project implementation, participate to the project monitoring group, and brings in her expertise in the implementation of collective actions.

Since June 2004, advices services provided by the Relais's employee are scheduled<sup>30</sup> within each participating organisations' premises and at the City Hall. Each organisation where advice services are scheduled has appointed a local correspondent (who can be an employee or the director of the organisation, depending on cases). The idea was to provide advice services throughout the deprived neighbourhoods where *the Politique de la Ville* is currently implemented, in order to facilitate their accessibility. Unexpectedly, it turned out that the public preferred going to the City Hall for that kind of matter and did not wish to meet the Relais's employee in a place they live near-by. In their view, the City Hall appeared to be a more appropriate place to talk about discrimination. Moreover, a twice a month service at fixed hours in the neighbourhoods were not convenient for most of them. Hence, the consultations held at the City Hall received the public on regular basis, whereas, in many cases, the presence of the employee in the participating organisations has been used to present and discuss the purposes of the project within each participating organisation and to exchange ideas and experience about their dealing with discrimination.

## C. Activities and core competences

Three main domains of action can be identified : a) individual advice and support for victims through advice services; b) awareness-raising of issues of racial discrimination through action of training and information c) action-research procedures that aim at changing professional practices and representation that lead to direct or indirect discrimination.

### 1. Individual advice and support

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<sup>29</sup> The increase of the project budget will be used to hire a part-time secretary in addition.

<sup>30</sup> About two days and a half per month and per organisation are dedicated to this task. For instance, from October to April 2005, sixty consultations has been held throughout the city.

The Mulhouse/Relais's action has been conceived as a place to listen to the complainant with empathy, to acknowledge his/her suffering and to find suitable responses for each individual case. The Relais's employee tries to identify the nature of the facts reported : whether the testimony produces reliable evidences or only a feeling of injustice based on unverifiable facts, whether it stands for indirect or direct discrimination...When the case seems to be primarily linked to other domains, (for instance family conflicts, or housing problems), the Relais's employee advise the plaintiff to get in touch with organisations and administrations that deal with such problems.

In many cases, more information on the case have to be gathered, and/or a mediation action led by the Relais's employee is needed.

The Relais does not deal with legal procedures : in case this appear to be the most adequate treatment, the Relais's employee forwards the victim to organisations working in that domain, which happens to be here the LICRA.

When several complaints converge on the same institution, the cases are brought to the monitoring groupe, in order to develop a collective strategy. For instance three complaints were about an important training public institution. This office often refused candidates of foreign origin, arguing they did not succeed to tests. Complainants explained that they suspected racial discrimination because extra criteria have been added *a posteriori* to the initial test. The Relais's employee directly checked the applicants qualification and concluded they had the competencies required to attend these advanced level training. The mediation action is still going on, as discrimination by public institutions are the hardest to tackle (see below). Nevertheless, it has change to some extent the perception of racial discrimination of the participating organisations, as most of them were not suspecting that such a type of training organisation could also develop discriminatory treatments.

## 2. Training and information

Participating organisation beneficiated from the Relais's support to implement training activities. For instance, the Mulhouse/CCL des Coteaux received help to develop a program of information on rights and duties.

The awareness-raising activities have been developed within different framework, such as the training of future social workers. The Relais presented its activities during the training seminar « Human rights and social work » of the Mulhouse/Institut Supérieur du Travail Social.

The Mulhouse/Espace et Développement association organised several debates with young people on the thematic of discrimination. A group of young women has been set up to discuss about women rights. The Relais has also been sollicitated by a secondary shool to give a lecture on gender discrimination. The Mulhouse/youth council, a consultative local organisation, has organised work sessions on discrimination with their support.

## 3. Action-research

After an information and awareness-rising seminar organised by the Relais partners in June 2004, a long term action-research has been launched with an

important home support services non profit organisation (about 250 employees, thirty per cent of them are of foreign background). During the seminar, the manager of this organisation expressed her concern about clients that refused to receive home support by employees of foreign origin. An action research protocol has been set up with the ORIV manager support. A trainee conducted a survey within the organisation; meetings and interviews with the management team and employees have been conducted. The results clearly highlighted the ways the organisation itself participated to direct and indirect discriminatory practices through hiring procedures, distribution of tasks among employees and relations with clients. It resulted in a proposal to modify the hiring procedures and the elaboration of arguments to convince clients that share prejudices against employee of foreign origin to change their views. Finally, in September 2005, the whole management team will attend a training provided by the FASILD on racial discrimination.

Three crucial elements contribute to the success of this experimental project. The first relates to the partnership between local organisations for the preparation of the project, the elaboration of relevant strategies and their implementation. The second is the development of activities at a local level that combine individual support to the victims and implementation of collective actions. The third lies in the choice to give priority to mediation and prevention over legal action (which, nevertheless, does not close this possibility, as other local organisations may help victims to bring their case to court).

#### 4. Concerns and problems

The main problem of the Relais currently lies in the relative deficit of legitimacy of its employee when she undertakes actions of mediation. This also relates to the absence of a large communication campaign to reach out to potential victims and the public institutions when the Relais has been launched. The Relais's activities should be more explicitly supported by the members of the project Steering committee within their own institutions and within other local public institutions and private firms, which would increase the efficiency of actions of mediation as well as the possibilities to gather information on cases. More generally, the problem is that discrimination is still conceived from a moral/ideological point of view by many key local actors : the Relais faces difficulties to have its partners acknowledge the aim is not to determine who is racist and who is not but to change professional routines that produce direct and indirect discrimination.

#### D. Future development of the agency

This eighteen months experiment open new perspectives for the future. The objective is to continue the Relais's activities for two years and a half, and to proceed to an evaluation of the results.

Some changes will be introduced with the Relais's participation to the EQUAL program, and with French "territorial plans of action against discrimination" implementation.

The Relais's activities will also develop in four main directions. A partnership with the national employment agency will be implemented in order to deal with discriminatory job offers, and, in particular, the problem of job offers requiring the knowledge of the local dialect. Interviews with agency directors and employees will allow to study how local actors deal with these job offers.

This project brought in an important shift within the municipality that now considers that "the pursue of the Relais's goals necessarily implies internal inquiries". The City of Mulhouse officials committed themselves to start a « quality procedure » with all its services on the issue of discrimination.

The project steering committee announced its will to develop the Relais's partnership with schools and companies, especially on discrimination faced by pupils when trying to find a company that accept to hire them during the compulsory training period. Finally, the Relais also plans to implement mutual support groups of victims.

## List of abbreviations and acronyms

CNCDH	Commission Nationale Consultative des droits de l'Homme French National Advisory Committee on Human Rights
CODAC	Commission Départementale d'Accès à la Citoyenneté Citizenship access commission at the local level.
DDTFP	Direction Départementale du Travail et de la Formation Professionnelle Local Directorate for Labour and Professional training (decentralised government department)
FASILD	Fond d'action et de soutien pour l'Intégration et la Lutte contre les Discriminations National Fund of action and support for Integration and Fight against Discrimination
FIV	Fond d'intervention pour la Ville Urban policies State subsidies
GELD	Groupe d'Etude et de Lutte contre les Discriminations Group for Study and Fight Against Discrimination
HALDE	Haute autorité de Lutte contre les Discriminations et pour l'Egalité High Authority for Equality and against Discrimination
LICRA	Ligue Internationale Contre le Racisme et l'Antisémitisme International League Against Racism and Antisemitism
LDH	Ligue des Droits de l'Homme Human Rights League
MRAP	Mouvement Contre le Racisme et pour l'Amitié entre les Peuples Movement Against Racism and for Friendship between Peoples
ORIV	Observatoire Régional de l'Intégration et de la Ville Regional Observatory of Integration and the City