

# The French Example

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Challenges for newly created  
equality bodies

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# Obligation of Member States

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- ❑ Directive 2000/43 article 13
  - ❑ Directive 2006/54 article 20
  - ❑ A duty to enforce the anti discrimination norm
  - ❑ One or many prohibited grounds
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# Many functions

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- Promoting Equality
    - Development of Good Practices
    - Sensibilisation / communication
    - Research
  - Mediation
  - Treatment of discrimination claims
    - Civil claims
    - Penal claims
  - Reforms proposal
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# Many types of organisations

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- A body governed by a board
  - A forum to construct dialogue with civil society
  - A personal body- type Ombudsman
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# Many ways to intervene in the judicial process

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- Investigating powers
  - Power of recommendation
  - Mediation
  - Intervention before the courts
  - Transmission to Penal Prosecution
  - Penal transaction
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# Managing Reality

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- ❑ An ever increasing number of complaints
  - ❑ An absence of pre-existing judicial practice
  - ❑ A need for judicial determination in a multiplicity of legal issues
  - ❑ The scrutiny of civil society
  - ❑ The misunderstanding of civil society
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# Litigation Strategy as Action Strategy

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- Explaining what is discrimination
  - Setting priorities:
    - Necessary steps to legal developments
    - Emerging issues
  - Managing the number of complaints:
    - To select cases or not ?
    - On what basis ?
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# Exemples of actions taken in France

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- Targeting forgotten publics
    - Romas
    - Transsexuels
    - Disabled persons
    - Pregnant women
  
  - Actions oriented towards dissemination of the norm
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# Objectives

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- Enforcement of the principle of non discrimination
    - Construction of investigation practices
    - Developpement of judiciary practice
    - Developement of precedents
    - Build a specific approach of mediation
  - Multiply Skills
  - Construct Independance
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