The French Exemple

Challenges for newly created equality bodies

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Obligation of Member States

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

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

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

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

☐ 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
Litigation Strategy as Action Strategy

☐ 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 ?
Exemples of actions taken in France

- Targeting forgotten publics
  - Romas
  - Transsexuals
  - Disabled persons
  - Pregnant women

- Actions oriented towards dissemination of the norm
Objectives

- 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