

A large, black silhouette of a person's head and shoulders is centered on the page. The interior of the silhouette is filled with a dense, dark, textured pattern that resembles a close-up of a surface or a microscopic view. The silhouette is facing right.

ANNUAL ACTIVITY REPORT 2024

Ensuring that the law forgets no one

Défenseur des droits
— RÉPUBLIQUE FRANÇAISE —

Annual activity report **2024**

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EDITORIAL

The complaints received by the institution and the work carried out in 2024 reveal many breaches of rights and liberties in France. From its warnings about the right to education of “high school age students without a high school”, to its findings submitted to the Constitutional Council on the Immigration Act, via recommendations on the rights of detainees undermined by prison overcrowding, the Defender of Rights has continued its mission to protect rights and freedoms.

The institution has been involved in major events in France, especially by ensuring respect for fundamental rights in the run-up to and during the Paris 2024 Olympic Games, in terms of freedom of demonstration, the right to privacy with the experimentation of algorithm-based video surveillance, or the evacuation of people deemed undesirable. In Mayotte, where access to water and education has long been a major challenge, the situation deteriorated considerably after the cyclone Chido swept through the island last December, worsening living conditions for inhabitants.

Faced with the tensions in our society, the Defender of Rights has reaffirmed its position as a provider of stability and social cohesion by restoring people’s rights, in keeping with its constitutional mission. In 2024, more than 140,000 complaints and requests for information and guidance were sent to the institution.

Among them, the steady rise in complaints relating to the rights of users of public services reflects a strong social demand as public services becoming increasingly remote. Alongside the work carried out by the institution’s members of staff, the 620 delegates of the Defender of Rights in the territories are at the forefront, receiving claimants in person and acting as mediators, which is successful in almost three quarters of cases.

Once again, this annual report highlights the ongoing weakening of public services, while digitisation continues to distance the most vulnerable from their rights.

More than a third of the complaints we receive today concern immigration law, mainly applications to renew residence permits, illustrating the real impact of poorly thought-out digitisation on people’s lives. As a result, diligent people who were legally entitled to be in the country are placed in an unlawful situation and lose their jobs, simply because of the failings of the dedicated platform. The report published in December on the digital administration of foreign nationals in France (ANEF) highlights the urgent need to redesign this public service to make it accessible, efficient and respectful of the rights of all.

This year also saw the publication of our first biennial report on whistleblower protection in France. The effectiveness of the right to report in the public interest and guaranteeing the defence of whistleblowers against reprisals are crucial to our democratic life. That is why it is vital to raise awareness of the recent measures adopted that are available to them, in which the Defender of Rights plays a central role.

The Defender of Rights also became involved in two major issues in 2024: climate change, with the annual report on the rights of the child relating to the right to a healthy environment, and artificial intelligence (AI), with a report devoted to the issues involved in using AI systems in public services. These developments spawn new risks in terms of infringements of rights and freedoms, to which the Defender of Rights intends to respond.

VICTIME OU TÉMOIN
DE DISCRIMINATION ?

39 28

ANTIDISCRIMINATION



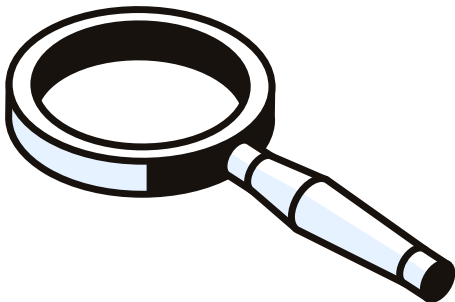
In this annual report, I also wanted to draw particular attention to the scale and increase in discrimination in France, as confirmed by numerous surveys. The paradoxical fall in the number of complaints we received this year in this area highlights the difficulty victims have in asserting their rights and the need to take a collective approach to this issue.

Article 1 of the 1789 Declaration of Human and Civil Rights states that “*Men are born and remain free and equal in rights*”. Equality is a principle with constitutional value. It is also a republican promise, but one which is simply not kept for too many people.

In the coming year, we will continue to fight against breaches of rights and the dynamics of exclusion, which weaken our social cohesion and exacerbate divisions in our society, by dealing with individual complaints and promoting rights and freedoms.

Claire Hédon
The Defender of Rights

2024 IN FIGURES



74%

of mediations resulted in an amicable settlement (**53,437** mediations)

216

decisions, including:

109 submitting findings to the courts

9 third-party interventions, including **5** before the European Court of Human Rights (ECHR), **1** before the European Committee of Social Rights and **3** before the Council of Europe's Department for the Execution of Judgments of the ECHR

84 decisions with recommendations

7 decisions with self-referral

1 framework-decision

More than
225,000

overall requests

140,996

complaints and requests
for information and guidance

84,196

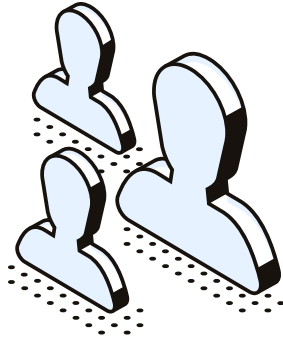
calls to telephone lines:
09 69 39 00 00 / 31 41 / 39 28

40

decisions on whistleblower
certification

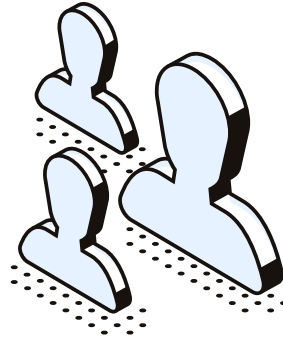
374

legal reminders issued to offenders



256

members of staff,
including **21** in the regions

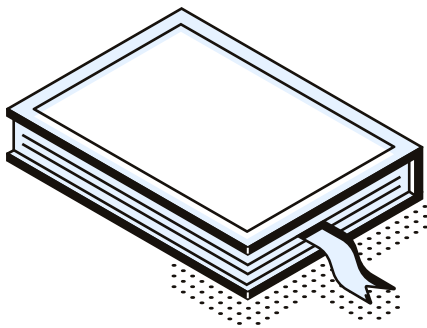


620

delegates
at more than
1,000 contact points

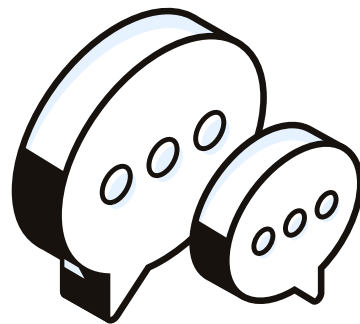
82

Young Ambassadors
for the Rights of the
Child and Equality in
Civic Service (JADE)



7

opinions issued to Parliament



8

joint committees

11

Parliamentary hearings

3

advisory committees

8

reports

5

studies

2

liaison committees

2

collections of factsheets

64

partnership agreements

HIGHLIGHTS OF THE YEAR

12 JAN.

Decision

Bill to control immigration and improve integration (findings submitted to the Constitutional Council)

30 JAN.

Opinion

Bill on measures to build a society promoting healthy ageing in France

08 FEB.

Symposium

“Anti-discrimination: from individual action to systemic levers” Booklet “Anti-discrimination: the Defender of Rights’ cross-disciplinary recommendations”

24 FEB.

Study

“Code of ethics and relations between the police/gendarmerie and the general public: the attitudes of gendarmes and police officers”

25 APR.

Framework decision

“Respecting the rights of migrants at the French-Italian internal border”

6 MAY

Opinion

Bill intended to govern medical practices in the care of minors with gender-related issues

4 JUNE

Opinion

Bill on developing the supply of affordable housing

20/21 JUNE

Event

Defender of Rights’ delegates convention



24 JUNE

Report

“Rights of users of public services: from mediation to reform proposals”

24 SEPT.

Biennial report

“Whistleblower protection in France 2022-2023”

3/5 OCT.

Event

“Place aux droits!” event in Marseille



14/18 OCT.

Travel

The Defender of Rights in Québec City for the Congress of the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF)

7 NOV.

Guide

Collection of factsheets “Enforcing my rights in prison”

13 NOV.

Report

“Algorithms, AI systems and public services: what rights do users have? Critical considerations and recommendations”



20 NOV.

Annual report on Children

“Children's right to a healthy environment – Protecting children and safeguarding the future”

21 NOV.

Opinion

Bill intended to restore the authority of the justice system with regard to juvenile offenders and their parents

4 DEC.

Survey

“17th Barometer on discrimination in employment, with a special focus on older employees (aged 50 and over)”

11 DEC.

Report

“Digital administration for foreigners in France (ANEF): digitisation at the root of major breaches of users' rights”

GENERAL STATISTICS

Number of requests received by the Defender of Rights, 2022-2024

	2022	2023	2024	2023-2024
Complaints, requests for information and guidance	125,456	137,894	140,996	+ 2%
Head office	33,273	34,727	30,603	- 12%
Complaints	31,164	31,861	28,223	- 11%
Requests for information and guidance	2,109	2,866	2,380	- 17%
Delegates	92,183	103,167	110,393	+ 7%
Complaints	58,495	68,116	75,210	+ 10%
Requests for information and guidance	33,688	35,051	35,183	+ 0.4%
Calls* to telephone lines	100,416	118,813	84,196	- 29%**

* Calls with no direct link to the helplines (wrong numbers, internal calls, suppliers, etc. are not included).

** This drop can be explained partly by the use of a new call entry form and better identification of requests not directly related to the themes dealt with by the platforms.

Breakdown of complaints received by the Defender of Rights by area of competence, 2022-2024

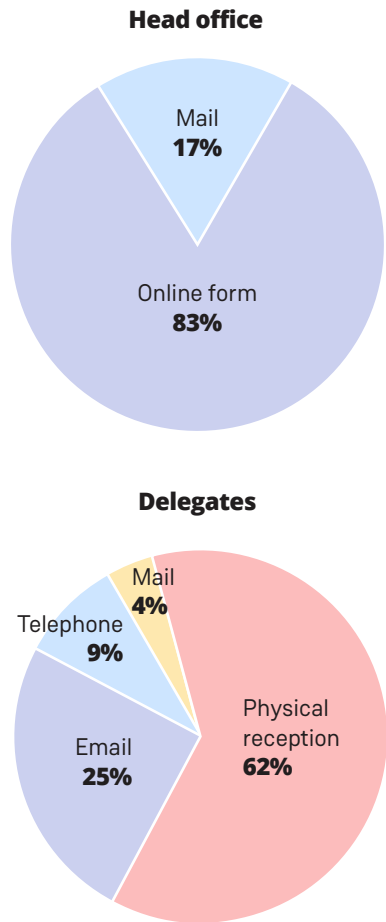
	2022	2023	2024	2023-2024
Relations with public services	82,202	92,400	96,028	+ 4%
Defence of the rights of the child	3,586	3,910	3,073	- 21%
Anti-discrimination	6,545	6,703	5,679	- 15%
Security ethics	2,455	2,866	2,434	- 15%
Guidance and protection for whistleblowers	134	306	519	+ 70%*

* The method used to count the number of complaints in the “whistleblowers” area changed slightly between 2023 and 2024; this has only a marginal impact on the rate of change.

Note. As a complaint may be classed in several areas, the sum of complaints per area of competence is greater than the total number of complaints received.

Scope. All complaints received by the Defender of Rights in 2022 (N = 89,659), 2023 (N = 99,977) and 2024 (N = 103,433).

Methods of approaching the institution in 2024



Scope. All complaints and information and guidance received at headquarters and by delegates in 2024, excluding calls to telephone lines (N = 140,996).

Breakdown of complaints received by the Defender of Rights by theme in 2024

Rights of foreign nationals*	37%
Protection and social security	17%
Justice	9%
Road law	7%
Public services	5%
Taxation	3%
Environment and urban planning	2%
Civil service	2%
National and higher education	2%
Accommodation	2%
Private goods and services	2%
Private employment	2%
Child protection	2%
Security ethics	2%
Health	1%
Privacy	0.5%
Network operators	0.5%
Public liberties	0.5%
Regulated profession	0.2%
Not known	3%
Total	100%

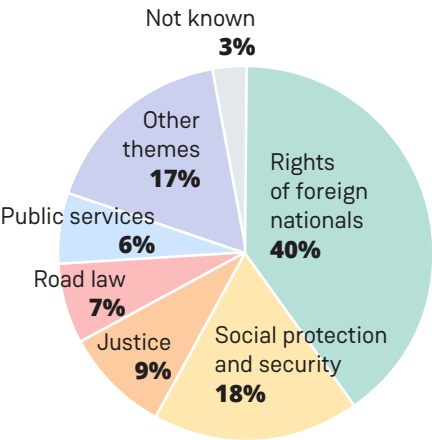
Scope. All complaints received by the Defender of Rights in 2024 (N = 103,433).

* See details on next page.

STATISTICS BY MISSION

PUBLIC SERVICES

Breakdown of complaints received in the area of public services by theme in 2024



Scope. All complaints received by the Defender of Rights regarding public services in 2024 (N = 96,028).

Breakdown of complaints received in the area of public services concerning social protection and social security by sub-theme in 2024

Old-age pension	24%
Family benefits	15%
Health insurance	13%
Social assistance	12%
Disability	9%
Unemployment insurance	7%
Other	11%
Not known	9%
Total	100%

Scope. All public service complaints received by the Defender of Rights concerning social protection and social security in 2024 (N = 17,330).

Breakdown of complaints received in the area of public services concerning the rights of foreign nationals by sub-theme in 2024

Residence permit	76%
Family reunification	4%
Civil status of foreign nationals	3%
Naturalisation	3%
Visa	1%
Work permit	1%
Other	3%
Not known	9%
Total	100%

Scope. All complaints concerning public services relating to the rights of foreign nationals received by the Defender of Rights in 2024 (N = 38,127).

Breakdown of complaints received in the area of public services concerning justice by sub-theme in 2024

Rights of prisoners	61%
Civil status	9%
Nationality	6%
Public justice service	4%
Public prosecutors	3%
Access to the law	2%
Other	9%
Not known	6%
Total	100%

Scope. All complaints concerning public services relating to justice received by the Defender of Rights in 2024 (N = 8,994).

ANTI-DISCRIMINATION

Breakdown of complaints received concerning discrimination by main criteria in 2024

Disability	22%
Origin	15%
Health status	9%
Gender	4%
Nationality	4%
Age	4%
Other*	3%
Pregnancy	3%
Trade union activity	3%
Religious beliefs	3%
Sexual orientation	2%
Economic vulnerability	2%
Gender identity	2%
Marital status	2%
Place of residence	1%
Physical appearance	1%
Political views	1%
Not known	19%
Total	100%

Breakdown of complaints received concerning discrimination by main areas in 2024

Private employment	27%
Public employment	20%
Private goods and services	11%
Education and training	7%
Accommodation	5%
Public services	5%
Other	11%
Not known	14%
Total	100%

Note. 27% of discrimination complaints received in 2024 concerned discrimination in the private sector.

Scope. All complaints concerning discrimination received by the Defender of Rights in 2024 (N = 5,679).

* Other: bank account, whistleblower status, surname, morals, loss of autonomy, genetic characteristics.

Note. 22% of complaints received in 2024 concerned discrimination related to disability.

Scope. All complaints concerning discrimination received by the Defender of Rights in 2024 (N = 5,679).

Breakdown of complaints received concerning discrimination by main criteria and main areas in 2024

	Private employment	Public employment	Education and training	Private goods & services	Public services	Accommodation	Other or NS	Total
Disability	21%	24%	17%	13%	8%	7%	10%	100%
Origin	36%	18%	7%	12%	5%	8%	14%	100%
Health status	35%	39%	5%	6%	3%	2%	10%	100%
Nationality	22%	3%	5%	15%	6%	5%	44%	100%
Gender	46%	25%	3%	13%	5%	1%	7%	100%
Age	40%	21%	3%	19%	5%	4%	8%	100%
Economic vulnerability	19%	10%	3%	20%	6%	17%	25%	100%

Note. Among the complaints received in 2024 concerning discrimination on the grounds of disability, 21% occurred in the private sector and 24% in the public sector.

RIGHTS OF THE CHILD

Breakdown of complaints received concerning the rights of the child by sub-theme in 2024

Education, early childhood, schooling and after-school care	30%
Protection of childhood and children	18%
Health and disability	15%
Parentage and family justice	6%
Foreign minors	6%
Criminal justice	3%
Adoption and collection of children	1%
Not known	21%
Total	100%

Scope. All complaints concerning the rights of the child received by the Defender of Rights in 2024 (N = 3,073).

SECURITY ETHICS

Breakdown of complaints concerning security ethics by sub-theme in 2024

Violence	20%
Inappropriate comments	10%
Refusal of a complaint	9%
Lack of impartiality	9%
Infringement of procedure	7%
Unlawful citation	4%
Lack of consideration of health status	2%
Refusal to intervene	1%
Other	6%
Not known	32%
Total	100%

Scope. All complaints concerning security ethics received by the Defender of Rights in 2024 (N = 2,434).

Breakdown of complaints received concerning security ethics, by security activity in 2024

National police	43%
Prison administration	17%
National gendarmerie	17%
Municipal police	6%
Private security services	3%
Public transport monitoring services	2%
Customs services	1%
Other (including private investigators)	2%
Not known	14%
Total	105%

Note. As several security activities may be involved, the total is greater than 100%.

Scope. All complaints concerning security ethics received by the Defender of Rights in 2024 (N = 2,434).

THE ROLE OF THE DEFENDER OF RIGHTS

Enshrined in the Constitution by the constitutional amendment of 23 July 2008 and established by the *loi organique* [framework law] of 29 March 2011, the Defender of Rights is an independent administrative authority that ensures respect for rights and freedoms in five areas: defending the rights and freedoms of users of public services; defending and promoting the best interests and rights of the child; anti-discrimination; ensuring compliance with the code of ethics of the security forces; and informing, guiding and protecting whistleblowers.

Its role involves, on the one hand, protecting rights, i.e. to deal with the complaints it receives in these areas and, on the other hand, promoting rights and freedoms by raising awareness, providing training and proposing reforms.

More specifically, being an independent administrative authority means that the Defender of Rights is:

- an authority: it has the power to influence and persuade, which, in addition to its mediation role, stems from its “power to know”, through which it can obtain information from public administrations and private companies, and from its “power to make known”, by means of decisions containing recommendations, legal findings, reports, etc. Although it is an authority, its decisions are not legally binding. The Defender of Rights is not a court that would settle a dispute by imposing a binding decision on the parties. It is designed to complement the work of judges: through mediation, it re-establishes dialogue and proposes appropriate solutions, sometimes avoiding legal action; through

its recommendations, it aims to bring about changes in practice and in the law; through its legal findings, it helps to enlighten the judge through its knowledge of infringements of rights.

- administrative: the Defender of Rights is an institution of the French Republic. It is therefore not a component of civil society. Its missions are derived from the French Constitution and it makes its decisions solely on the basis of substantive law, although this does not prevent it from recommending changes to the law.
- independent: although it is an institution of the French Republic, it is in no way subject to the hierarchical and supervisory powers of the executive, from which it receives no instructions. With a non-repealable, non-revocable six-year mandate, the Defender of Rights – and through her, the entire institution – is independent.

In addition, the Defender of Rights has a number of characteristics. Firstly, it is the only independent administrative authority enshrined in the Constitution (article 71-1). Secondly, it relies on in-depth knowledge of the situation on the ground and the reality of breaches of rights: through the complaints it receives and thanks to a strong local presence with a network of 620 volunteer delegates in more than 1,000 contact points throughout the country, as well as through the constant and institutionalised contacts it maintains with civil society. Finally, it has solid legal expertise, enhanced by work from other disciplines (in particular through the studies it finances and supports). **Its specificity stems from the combination of three elements: independence, concrete knowledge of breaches of rights and legal expertise.**

METHODS OF INTERVENTION BY THE DEFENDER OF RIGHTS

As part of its dual mission to protect and promote rights, the Defender of Rights can take action using a wide range of tools.

The complaints received by the Defender of Rights are dealt with in different ways: amicable settlement, reminder of the law, decision, etc. The fact that these various terms are used throughout this report makes it necessary to provide some more details to clarify their meaning.

- When admissible, complaints are mainly dealt with through mediation. Territorial delegates, in particular, can only intervene in this way. Mediation usually leads to an amicable resolution of the dispute, which may be formalised by an “amicable settlement”.
- When it makes use of the investigative powers provided for in the *loi organique* [framework law], the Defender of Rights uses an adversarial proceeding to deal with the case. There are a number of potential outcomes.
 - The Defender of Rights can issue “reminders of the law”. Intended to be educational, they draw the attention of the person or organisation in question to the need to comply with the applicable legal framework, and inform them of any positions the institution has taken on these issues and the tools it has developed in this area.
 - The Defender of Rights can issue a “decision”. There are different types:
 - “Decision to take note”: takes note of the commitments or measures taken by the respondent with regard to the complainant and/or of a more general nature.
 - “Decision with recommendation(s)”: this includes individual recommendations concerning the case in question and/or

general recommendations, in particular for the reform of applicable legislation.

- “Framework decision”: this is not intended to deal with an individual complaint, but to deal with a general problem giving rise to numerous complaints and leading to general recommendations on a systemic problem.
- “Decision with findings before a court”: its purpose is to issue the judge with the institution's analysis, from a legal and/or factual standpoint, and/or to propose a change in case law, in the context of a dispute brought by a claimant. These findings are made at the request of either the judges or the parties, or at the initiative of the Defender of Rights itself. They are not made public until the court decision has been made.
- “Third-party intervention”: findings submitted by the Defender of Rights to the Court of Justice of the European Union (CJEU), the European Court of Human Rights, the Council of Europe's Department for the Execution of Judgments of the ECHR, the Council of Europe's European Committee of Social Rights or the United Nations (UN) Committee on the Rights of the Child.
- The Defender of Rights can propose that the person who lodged the complaint and the person or organisation involved reach a “settlement” (civil or administrative) that reflects real, reciprocal and balanced concessions. In cases of discrimination under criminal law, the Defender of Rights may propose a “penal transaction” to the parties, consisting of the payment of a fine and, where appropriate, compensation to the victim, which must then be approved by the public prosecutor.



- Where a recommendation has not been acted upon, the Defender of Rights may demand that the accused person or structure take the necessary measures within a specified period of time. If the injunction is not complied with, the institution may draw up a “special report”, which is not anonymised and is made public (by publication in the *Official Journal*) and, in certain cases, published on the website of the Defender of Rights.
- When it appears that the request is not admissible or, after examining the merits of the complaint, that no breach of rights has been identified, the Defender of Rights closes the case, explaining to the complainant the analysis it has made of the situation.

The Defender of Rights also takes action to promote equality and access to rights, with a view to preventing breaches of rights and developing the law and practices: reports and studies, opinions to Parliament, awareness-raising and training initiatives, and tools for both the public and professionals.

Finally, as the independent mechanism in charge of monitoring the implementation of the Convention on the Rights of Persons with Disabilities, the Defender of Rights is required to produce a report “parallel” to that of the State, intended to enlighten the UN Committee on the Rights of Persons with Disabilities on the implementation of the Convention. As part of France's periodic review, the Defender of Rights also submits its contribution to the UN Committee on the Rights of the Child and the UN Committee on the Elimination of Discrimination against Women on the implementation of the International Convention on the Rights of the Child (CRC) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) respectively.

INTRODUCTION

Mireille Le Corre

Secretary General of the Defender of Rights

As an independent authority responsible for protecting and promoting rights and freedoms, the Defender of Rights now occupies a unique position in the institutional landscape.

When it was first set up, many feared that the merged entities (Mediator of the French Republic, Ombudsperson for Children's Rights, French Equal Opportunities and Anti-Discrimination Commission, French Commission on Security Ethics) would, on the one hand, lose visibility and expertise, and on the other hand, retain their particularities and prevent the emergence of an identity specific to the Defender of Rights.

The institution's actions have belied these rather pessimistic predictions. A common culture has gradually developed, nurtured by the sharing of ideas, knowledge, skills and outlooks.

The Defender of Rights thus represents a step forward compared with the institutions that preceded it. The cross-disciplinary nature of its missions and methods of intervention has established it as an entity that is stronger than its original components.

Firstly, with regard to the performance of its duties, the merger of the four former authorities into a single institution means that a single complaint covering several areas of competence can be dealt with in its entirety by the Defender of Rights. It thus encourages a broader, and therefore more protective, approach to handling complaints. For example, the situation of a disabled pupil who does not have the support of a carer at school (AESH) comes under access to public services, children's rights and anti-discrimination. In the same vein, cross-disciplinary expertise in ethics and discrimination has enabled the institution to make significant progress on the issue of discriminatory identity checks.

This cross-disciplinary approach is also evident in the way the institution exercises its powers. The merger involved a top-down harmonisation of powers: while the Defender of Rights was able to carry out on-site inspections, the Ombudsperson for Children's Rights could not, and the Mediator of the French Republic could take neither legal action *ex officio*, nor submit findings in court.

This range of powers was deployed in 2024, notably on the occasion of Framework Decision no. 2024-061 on respecting the rights of migrants at the French-Italian internal border, which was issued following findings submitted to the Court of Justice of the European Union and an investigation accompanied by an on-site inspection, which enabled us to submit findings to the Council of State and to formulate recommendations to the public authorities.

The complementary nature of the Defender of Rights' duties and the scope of its powers mean that it can achieve concrete and useful results for those who are furthest from their rights. Rarely confined to a single area of expertise, many contemporary issues require a cross-disciplinary approach if they are to be resolved effectively.

The mission-based approach adopted in the remainder of this report, which is designed for educational purposes, cannot conceal the cross-disciplinary nature of the work carried out by the institution's teams. Alongside the Defender of Rights and her deputies, members of staff and delegates work on a daily basis to carry out all the missions entrusted to the institution by the Constitution and *loi organique* [framework law], in defence of rights and freedoms.



Mireille Le Corre at the Defender of Rights' delegates convention.

Work based on a cross-disciplinary approach

A question for...

Marguerite Aurenche & Elsa Alasseur

Heads of the “Defence of the Rights of the Child” and “Fundamental Rights of Foreign Nationals” divisions

What working method was adopted to draw up Framework Decision no. 2024-061, and how does it meet the challenges of respecting fundamental rights in a context of reinforced migration control?

“In April 2024, the Defender of Rights issued a framework decision on respecting the rights of migrants at the French-Italian border, including unaccompanied minors and asylum seekers. This decision is part of the specific legal context of re-establishing controls at an internal border of the European Union (EU), something that has been in place since 2015 at the French-Italian border. European law is very reticent on the procedures applicable in this context, which is intended to remain rare and temporary. It has led to the development of practices that infringe rights. Preparation of the decision involved several investigation

units (fundamental rights of foreign nationals, rights of the child, ethics of the security forces). It is also the result of an adversarial investigation carried out using a number of the institution’s investigative and intervention powers. We visited Montgenèvre and Briançon, as well as Menton (unannounced on-site checks), border police premises and authorised border crossing points. It was essential to be able to observe what was happening on the ground and to report on it accurately, because we’re talking here about practices that are largely unseen and subject to very little monitoring. However, the question of the procedures applicable to border areas is far from theoretical. Each procedure is associated with a set of guarantees offering more or less protection, and when a less favourable procedure is illegally applied, the fundamental rights of individuals are significantly affected. These include the right to an effective remedy, the right to asylum and the right of unaccompanied minors to protection. We found that many of the people we checked – including very young minors – were being arbitrarily deprived of their freedom in appalling conditions while awaiting deportation to Italy.”

PART 1

DISCRIMINATION: AN ALARMING REALITY THAT CALLS FOR ACTION

Foreword

George Pau-Langevin

Deputy in charge of anti-discrimination
and promotion of equality

“At national level, anti-discrimination still suffers from a lack of coherence and visibility. Public policies are often reduced to one-off, sector-based initiatives, targeted at certain grounds for discrimination, depending on the priorities of the moment: women, the elderly, people with disabilities, and so on.

The paradigms of diversity, equal opportunities, inclusion and other frames of reference, while they may allow for calmer approaches to these issues, also tend to mask the fight against discrimination and the legal prohibitions that go with it. In particular, discrimination based on real or supposed origin remains a taboo subject. This is despite the fact that surveys indicated it is still rife and that certain measures that have been trialled, such as the diversity index in companies, have not been made permanent and that the fight against discrimination is overshadowed by debates on immigration and integration. Discrimination on the grounds of religion is also an important issue, and it is up to us to protect women from religious discrimination, for example in employment, whilst not forgetting those who do not want to be coerced into wearing religious symbols.

At local level, the gradual withdrawal of the State, marked by a reduction in the budgets allocated to urban policy, has had a significant impact on priority neighbourhoods and the fight against discrimination. Local and

regional authorities nevertheless have a crucial role to play: as public sector employers, managers of public services and leaders of local community initiatives, they can promote equality in practical terms, in particular by drawing up local plans to combat discrimination.

Whilst the Urban Planning Act of 21 February 2014 added place of residence as grounds for discrimination, it did not give rise to ambitious local projects. However, some local authorities have succeeded in putting in place cross-disciplinary, structured strategies through the commitment of involved local stakeholders.

Associations, which enjoy close ties to local people, play a central role in these policies; they forge solidarity networks, raise public awareness, support victims and make useful representations to the public authorities. My role as deputy in charge of anti-discrimination means I am able to take part in regular discussions with local stakeholders and associations. I see the full extent of their commitment, which I welcome.

Impetus at national level, backed up by central government departments, seems essential to encourage the more hesitant areas to make a firm commitment to this great struggle to live together, with human and financial resources commensurate with the challenge.”



George Pau-Langevin at the Defender of Rights' delegates convention.

I. WHAT THE FIGURES TELL US ABOUT THE SITUATION IN FRANCE

Several studies and surveys carried out between 2022 and 2024 point to a worrying increase in discrimination and hate speech in France and Europe, particularly affecting the descendants of non-European immigrants, Muslims, people of colour and Jews¹.

A. THE INCREASE IN REPORTED CASES OF DISCRIMINATION, PARTICULARLY BASED ON ORIGIN AND RELIGION

According to a study published in October 2023 by the European Union Agency for Fundamental Rights (FRA), 47% of people of colour in the European Union said they had been discriminated against in the five years preceding the survey, and the prevalence of such discrimination over the last 12 months had risen from 24% in 2016 to 34% in 2022².

According to the Agency, in a study published in October 2024, almost one in two Muslims (47%) in 13 EU countries (39% in France) said they had experienced discrimination in the five years preceding the survey, compared with 39% in 2016³. In another study, 80% of respondents also

felt that anti-Semitism (discrimination, online hate, harassment, etc.) had increased in their country in the five years preceding the survey⁴.

In France, the “Experience and perception of security” (VRS) survey, conducted by the Ministerial Statistical Service for Internal Security (SSMSI) and published in November 2024, showed a “*very sharp rise*” (+52%) in incidents of discrimination between 2021 and 2022, with a clear preponderance of victims claiming to have been discriminated against on the basis of their origin (48%) and skin colour (29%). This was followed by religion (25%) and gender (21%).

This upward trend in reported discrimination is consistent with that already observed in the second edition of the “Pathways and Origins” (TeO2) survey, supported by the Defender of Rights: whereas in 2008-2009, 14% of people aged 18 to 49 said they had experienced discrimination, the figure had risen to 18% in 2019-2020. The Defender of Rights has made the same observation with regard to employment in its 17th barometer published in 2024: working people aged 50 and over say they witness discrimination significantly less often (26%) than younger people (37%).

In a survey published in November 2024, the French National Institute for Statistics and Economic Studies (INSEE) found that the feeling of discrimination increases from one generation to the next among people of non-European origin, while it decreases among those of European origin⁵. Descendants of immigrants of Asian and African origin say they are more affected (34%) than the first generation (26%).

These various increases in reported cases of discrimination can be explained by a combination of social, economic and political factors.

First of all, they undoubtedly reflect more widespread knowledge of discrimination among the population and may reflect greater awareness and attention to the issue of inequality and discrimination in society, leading respondents to describe more situations as discriminatory today than they would have done in the past⁶.

They can also be explained by an unfavourable economic context which increases competition for access to limited resources (employment, housing, etc.) and, in so doing, nurtures prejudices and makes the most vulnerable people (young people, immigrants, people with disabilities, etc.)⁷ more likely to suffer discrimination. In this sense, the feeling of abandonment and stigmatisation expressed in certain areas (rural areas and disadvantaged neighbourhoods), combined with a loss of confidence in institutions, encourages people to withdraw into themselves and feeds exclusion.

Finally, views expressed in certain political circles and media, widely reproduced and amplified on social media, where algorithms tend to polarise opinions and reinforce the visibility of the most divisive positions, stigmatise immigrants and certain minorities and in so doing legitimise discrimination. The UN Committee on the Elimination of Racial Discrimination (CERD), referring to the situation in France, said it was “concerned by the persistence and extent of racist and discriminatory views, particularly in the media and on the Internet” and “by the racist

political discourse used by politicians against certain ethnic minorities, in particular the Roma, Travellers, Africans or people of African descent, people of Arab origin and foreign nationals”⁸.

Presentation by the Defender of Rights at an event on religious discrimination in access to apprenticeships

The Defender of Rights’ teams spoke at an event organised on 9 December 2024 by the French National Observatory on Discrimination and Equality in Higher Education (ONDES) at the Université Gustave Eiffel, for the release of their new study report on discrimination against women wearing a hijab in accessing apprenticeships⁹. The results of this study were presented by Yannick L'Horty and Amynata Bagayoko, then discussed at a round table, at which the Defender of Rights reiterated the issues of non-discrimination law and pointed out the growing difficulties for Muslim women wearing a headscarf in accessing employment.

Using a method known as ‘testing’, this study looks at the discrimination experienced by young Muslim women in the first year of a BTS (Advanced Technician Certificate) in Accounting and Management in accessing an apprenticeship contract, corresponding to a short-term employment contract where discrimination should – in theory – be reduced. The results show that wearing a hijab “reduces the chances of receiving a positive response to an speculative application by more than 80%”, whether the applicant is of North African or French origin.

The convergence of data on reported and experienced discrimination points to a clear underlying trend: discrimination is on the increase. Furthermore, the events reported always reflect only a small part of the reality: they do not include those who are actually discriminated against but who do not detect it at all or are unclear in detecting it, either because they cannot correctly identify what discrimination is or because the discrimination suffered is not very visible/detectable or has been gradually internalised. The low number of cases brought before the courts and discrimination complaints received by the Defender of Rights in 2024 confirms the extent to which many people do not exercise their rights.

B. THE DECLINE IN DISCRIMINATION COMPLAINTS RECEIVED BY THE DEFENDER OF RIGHTS

In 2024, only 5,679 (5.5% of the total) complaints received by the institution concerned discrimination. While surveys show an increase in reported cases of discrimination, the number of complaints received by the Defender of Rights in this area fell by 15% compared with 2023.

1. Large numbers do not exercise their rights

Despite the institution's efforts to communicate with and raise awareness among the general public, in particular via the *antidiscriminations.fr* platform and the dedicated 3928 helpline number, many people still do not exercise their rights.

In the 2024 barometer carried out jointly with the International Labour Organisation (ILO), which measures perceptions of discrimination in employment, the Defender of Rights found that only 15% of victims of discrimination said they had initiated legal proceedings or given evidence during proceedings, 12% had contacted the labour inspectorate, 10% had contacted a lawyer or an association and 8% had contacted the Defender of Rights. Nearly a third of victims of discrimination said nothing or took no action following the incident⁴⁰.

The scale of unexercised rights is explained in particular by the fact that the victims believed that making a claim would not make any difference (43%), did not know what to do (36%), feared reprisals (26%), were not aware at the time that it was discrimination (25%) or had no evidence (20%). In addition to these factors, there may also be the emotional toll of a procedure that can be long, complex and stressful.

A study on the difficulties of seeking redress in universities

Following an initial ground-breaking study published in 2022 ("Experiencing discrimination in higher education and research (ACADISCR)"), the Defender of Rights wanted to have an additional analysis to gain a better understanding of the factors and mechanisms that lead the people concerned (students or staff) to report (or not) the discrimination they have experienced at university. The study "Denouncing discrimination at university: between silence, revelation and reporting", published in April 2024, reports on the difficulties faced by students and members of staff in using the systems for reporting discrimination and exercising their right to remedy within universities. It shows how the way in which universities operate makes such discrimination possible and affects people's ability to report it. In addition to a lack of knowledge of their rights and the measures available to them, a significant proportion of students exposed to discrimination express a feeling of resignation, which is partly explained by institutional inaction.

2. Disability: the leading reason for referring a case to the Defender of Rights

Disability is still the leading reason for referrals to the Defender of Rights (22% of discrimination claims). Discrimination against people with disabilities remains high throughout the country. The strong institutional structure of disability-related non-profit organisations and associations play a major role in reducing the number of people who do not make a claim.

Furthermore, discrimination on the grounds of disability is perhaps more visible than discrimination on the grounds of origin (for example), and is therefore easier to establish: structures, both private and public, sometimes refuse a person with a disability access to a good or a service (Decision no. 2024-095, Reminder of Law no. 2024-001), to a job (amicable settlements no. 2024-042, no. 2024-053, no. 2024-059) or to education and leisure activities (Amicable Settlement no. 2024-016), for “practical” reasons; material evidence of these refusals and of their discriminatory nature is generally fairly simple to produce and encourages the matter to be referred to the Defender of Rights. In contrast, discrimination based on origin is less easy to identify and prove, because it is less often formally stated, due to the well-known criminalisation of racism, or is sometimes used unconsciously by perpetrators due to the trivialisation of prejudice.

3. Increase in the proportion of claims relating to discrimination based on origin and religion

Consistent with the above-mentioned surveys, the proportion of origin-related complaints has increased (from 13% in 2023 to 15% in 2024). After disability, origin is the second reason cited by claimants. If we take into account, in addition to grounds (15%), complaints relating to nationality (4%), physical appearance (1%), place of residence (1%) and religious beliefs (3%), criteria which may be indirectly linked to origins, then origin, in this broader sense, accounts for 25% of the

complaints received in 2024.

The Defender of Rights’ 2024 barometer on the perception of discrimination in employment showed, for the first time, similar levels between the criteria of grounds and religion, whereas the former has traditionally outstripped the latter: 15% of the working population as a whole say they have experienced discrimination in employment based on religious practice (compared with 7% in 2023), and a further 15% say they have experienced discrimination on the grounds of origin (compared with 19% in 2023). This development suggests that religious and origin-related considerations are intertwined in the expression of discrimination¹¹.

This finding is in line with the results of the TeO2 survey: 31% of Muslims who reported discrimination attributed it to their religion, compared with 15% ten years earlier; conversely, the proportion of discrimination suffered by Muslims on the grounds of origin or skin colour fell to 81%, compared to 91% ten years earlier.

This indicates a shift from origin to religion as a result of the increased focus on religious issues in social relations¹².

While the percentage of complaints lodged with the Defender of Rights on the grounds of religion remains low (3%), a proportion that has remained more or less stable since 2015, it should be noted that the numbers of people who do not exercise their rights in this area is higher. The Defender of Rights’ “Access to rights” survey in 2016 showed that, of the people who said they had experienced discrimination on the grounds of religion in the last five years, only 12% had taken steps to have the situation recognised (compared with 20% of people who had experienced discrimination on any grounds: origin, disability, gender, etc.).

In addition, during the legislative elections in the summer of 2024, the Defender of Rights observed a worrying peak (+53% between May and June 2024) in calls to the 3928 platform – the Defender of Rights’ anti-discrimination helpline – mainly to report racist, anti-Semitic and Islamophobic comments and behaviour.



“Anti-discrimination: from individual action to systemic levers” symposium, 8 February 2024.

During this period, the platform also received an increased number of calls relating to acts of violence, particularly against people with a visible religious affiliation (kippah, hijab). Several claimants spoke of a “climate of fear” and a rise in anti-Semitic and Islamophobic hatred. Origin is the top reason in telephone calls received by the Defender of Rights on its 3928 platform, which increased by 49% between 2022 and 2024.

The Defender of Rights’ contribution to the CNCDH report

As the independent rapporteur on the fight against racism, anti-Semitism and xenophobia, the National Consultative Commission on Human Rights (CNCDH) submits an annual report to the French government outlining the current state of racism in France. The Defender of Rights provides input to this publication by submitting a contribution to the CNCDH concerning discrimination based on origin. In March 2024, the Defender of Rights

published its contribution to the 2023 report on its website, in which it discussed the extent of discrimination in education, housing, identity checks and employment, as demonstrated by studies and the complaints received, and the difficulties of having it recognised by the courts.

The member associations of the Defender of Rights’ “Origins” joint committee – a forum for dialogue with civil society stakeholders involved in combating discrimination based on origin and religion – also say that in 2024 they experienced a significant increase in calls reporting racist, anti-Semitic, Islamophobic and anti-Romany acts, and have stressed the risks of racist speech becoming commonplace and the worsening of breaches of the rights of people of foreign origin or perceived as such.

This observation concerning racist remarks and violence calls for some clarifications concerning the remit of the Defender of Rights.

II. THE REMIT OF THE DEFENDER OF RIGHTS IN MATTERS OF DISCRIMINATION: CLARIFICATIONS AND DEVELOPMENTS

Article 4 of the *loi organique* [framework law] of 29 March 2011 gives the Defender of Rights the power to “*combat direct or indirect discrimination prohibited by law or by an international commitment duly ratified or approved by France, and [to] promote equality*”. As a reminder, discrimination involves a combination of three elements: unfavourable treatment suffered by a person, based on grounds defined by law (gender, origin, disability, age, etc.) and in an area defined by law (access to employment, a service, housing, etc.). Thus defined, the institution’s remit does not extend to complaints relating to racist, anti-religious, sexist or homophobic comments and violence, etc., which all come under a different legal framework from that of non-discrimination.

A. VERBAL ABUSE AND PHYSICAL VIOLENCE: THE SCOPE OF ACTION OF THE DEFENDER OF RIGHTS

In a context where combating discrimination is often equated with combating hate speech, limiting the Defender of Rights’ remit to discrimination is sometimes difficult to understand for claimants and the institution’s contacts.

However, the Defender of Rights would like to reiterate that hate speech and discrimination are closely related and are linked by a certain continuum, as illustrated by the first French law against racism (the so-called “Pleven” law) which in 1972 adopted an all-encompassing approach criminalising both discrimination and hate speech based on “*a person’s origin, membership or non-membership of a particular ethnic group, nation, race or religion*”. Hate speech reinforces prejudice and stigmatising stereotypes (be they racist, sexist, homophobic, etc.), which in turn fuel discrimination.

The law and case law incorporate this overlapping by adopting a broader concept of discrimination (now including incitement to discriminate, moral harassment linked to a prohibited grounds and sexual harassment). They are also developing a system of evidence in legal matters that is increasingly favourable to victims. As a result, in some cases, violence and hate speech may fall within the scope of the Defender of Rights’ anti-discrimination remit.

1. A broader concept of discrimination

Comments or insults may constitute discriminatory harassment, which is a form of discrimination under Article 1 of Law no. 2008-496 of 27 May 2008.

Abusive language and discriminatory harassment

An employee of Mexican origin complained to the Defender of Rights about discriminatory harassment based on his origin (and discrimination based on the state of his health). The investigation revealed evidence, including abusive messages on social media and witness statements, associated with a racist verbal attack at a party. The claimant, who was placed on sick leave for “*reactive depression and anxiety*”, was dismissed on the grounds of being unfit for work. The Defender of Rights submitted findings (Decision no. 2024-007) to the Court of Appeal, which, in a decision dated 26 April 2024, found that the claimant had been discriminated against on the grounds of his state of health, but did not uphold discrimination on the grounds of origin, considering that the alleged facts related to personal and not professional life. Assuming that these comments were only made outside the company, they could in certain circumstances be considered to be of a professional nature and incur the employer’s liability¹³.

Sexual comments and sexual harassment

Sexual harassment, which can take the form of repeated comments with a sexual connotation, is also considered to be a form of discrimination for which the Defender of Rights has jurisdiction. The case was brought before the institution by a national police officer alleging sexual harassment and discrimination on the grounds of his sexual orientation by a colleague who had become his superior (Decision no. 2024-100). The investigation confirmed the facts (homophobic insults and sexual exhibition), which constituted sexual harassment and discrimination. The Defender of Rights considered that the officer's superiors had minimised the effects of the respondent's actions on the claimant's health by not qualifying them as sexual harassment and discriminatory harassment, relying on the absence of any intention to harm and by describing the comments of which the respondent was accused as "*nicknames relating to homosexuality*" and "*lewd jokes*". The Defender of Rights pointed out that the intention of the perpetrator is not, outside of criminal law, a defining element in sexual and discriminatory harassment. The institution therefore asked the administration to make full reparation for the damage suffered by the person concerned and to ensure that he could resume his duties in another workplace. It also recommended several measures to the Ministry of the Interior and the Overseas (France) aimed at preventing the malfunctions identified during its investigation.

Hostile work environmental/workplace harassment suffered by an employee

In its Decision no. 2024-105 of 11 July 2024, the institution also recognised the sexual harassment suffered by an employee during the performance of her trade union duties, due to sexist insults and remarks, and sexual innuendo revealed by statements and testimonies from her colleagues. In this case, the Defender of Rights also established the existence of a hostile work environment, which corresponds to a situation in which, without

being directly targeted, one or more employees are subjected to provocations or obscene or vulgar jokes that become unbearable for them. The employee worked in a context punctuated by sexist and sexual jokes and innuendo, although she was not necessarily the only one targeted and there was no single perpetrator.

In this case, the Defender of Rights found that the employer had disregarded the rules that apply to evidence in non-discrimination litigation by demanding "*tangible proof*" as part of the internal investigation it had conducted. The institution reiterated the principle of shifting the burden of proof in discrimination cases, whereby it is sufficient for the victim to present evidence suggesting the existence of discrimination, and it is then up to the perpetrator to prove that these actions do not constitute such discrimination. The victim need only raise a reasonable doubt.

2. Lighter burden of proof in discrimination cases

In accordance with the *Feryn* ruling of the Court of Justice of the European Communities¹⁴ and the ruling of the Court of Cassation of 20 September 2023¹⁵, the Defender of Rights reiterates that discriminatory remarks, even if not repeated, may constitute factual elements suggesting the existence of discrimination.

Racist remarks between colleagues and discriminatory harassment

The matter was referred to the institution by an employee who had been subjected to racist remarks made by her line manager during a Christmas meal organised by the workers' committee. While the industrial tribunal and then the Versailles Court of Appeal had ruled out discriminatory moral harassment, in particular on the grounds that the comments made had not been repeated, the Defender of Rights recalled that Article 1 of the law of 27 May 2008 states that a single act may suffice if it is sufficiently serious (Decision no. 2018-200 and Decision no. 2021-106). Following an appeal to the Supreme Court, the Defender of Rights subsequently

submitted findings, which were acted upon in 2024, to the Court of Cassation (Decision no. 2022-228). The Court considered that *“such comments were made in the context of the employee’s professional life and that the employee presented evidence suggesting discrimination on the grounds of her origins”*¹⁶.

“People like them”

The Defender of Rights was informed of alleged discrimination on the grounds of origin in accessing transport (Amicable Settlement no. 2024-015). Two members of a non-profit organisation, of African origin and holders of a “solidarity” transport card, were refused access to a bus at the fare permitted by this card. On the return journey, the same driver again refused them access, saying that he would no longer drive *“people like them”*. The Defender of Rights took amicable action with the region in question, which took the allegations seriously, informed the national carrier responsible and reprimanded the driver involved.

Refusing to rent to a woman wearing a hijab: a useful recording

To establish discrimination, the Defender of Rights sometimes relies on recordings of conversations provided by claimants, potentially accompanied by other evidence (bailiff’s report, emails and letters, written testimonies from other people present, etc.). In criminal law, it is settled case law that any evidence adduced by the parties is admissible, regardless of the means by which it was obtained¹⁷. Since 2023, the Court of Cassation has accepted that, in a civil dispute, a party may use evidence obtained unfairly or dishonestly to assert its rights, particularly if such evidence (in this case, a secret recording) is essential to the exercise of the right to evidence and does not disproportionately infringe the fundamental rights of the opposing party (privacy, equality of arms, etc.)¹⁸. Since it can be difficult to provide evidence of discrimination, despite the arrangements in place since 2001, this case law represents a major step forward.

A couple lodged a complaint with the Defender of Rights concerning a refusal to rent because the claimant wore a headscarf. The discussion held on the day the keys were to be handed over, which was partially recorded by the claimants, revealed stigmatising and discriminatory comments made by the landlord. Noting that the offence had been committed, the Defender of Rights forwarded its decision to the public prosecutor (Decision no. 2024-065). In a ruling handed down in November 2024, the competent court sentenced the landlord to a suspended fine of 1,000 euros, with an additional penalty of being unable to stand for election for six months (see also, for another refusal to rent on the grounds of religion, with a recording of the conversation, Reminder of Law no. 2024-010).

Humour is not a valid excuse for everything

In a case concerning a refusal to rent on the grounds of the applicant’s sexual orientation, the Defender of Rights reminded the landlord, who had replied – in his opinion, in a humorous tone – that the flat was *“not LGBT friendly”*, that humour cannot be used as a justification for discriminatory acts or comments, since the facts must be analysed taking into account the perception and feelings caused to the person receiving them (Reminder of Law no. 2024-019).

B. THE REMIT OF THE DEFENDER OF RIGHTS AS REGARDS WHISTLEBLOWER RIGHTS: A NEW LEVER IN THE FIGHT AGAINST DISCRIMINATION

Jurisdiction in the area of whistleblower rights granted to the Defender of Rights by the law of 9 December 2016, reinforced by the *loi organique* [framework law] of 21 March 2022, permeates the entire institution, improving the fight against breaches of rights in the scope of its various missions. In particular, it enables the institution to deal with new forms of discrimination.

1. Whistleblowing: a new criterion for discrimination

In 2016, the expertise and experience acquired by the Defender of Rights in anti-discrimination justified extending its remit to include the guidance and protection of whistleblowers who consider themselves to be victims of retaliatory measures. The addition, in 2022¹⁹, of the status of whistleblower to grounds for discrimination in the French Labour Code (art. L. 1132-1) and Criminal Code (art. 225-1), also highlights the link that can be made between reprisals and discrimination.

The effect of this change is to strengthen the protection afforded to whistleblowers, as reprisals against whistleblowers are now punishable under criminal law as discrimination.

As with other forms of discrimination, the burden of proof in civil and administrative courts has been adjusted to take account of reprisals. The regime applicable to whistleblowers is, however, somewhat different and more favourable. Unlike victims of discrimination, who must present evidence from which it can be presumed that discrimination has taken place, whistleblowers must only present evidence from which it can be presumed that he or she has made a report in accordance with the law (and not from which it can be presumed that reprisals have taken place); it is then up to the defendant to prove that his or her decision is duly justified.

Director sacked after exposing possible embezzlement

The Defender of Rights received a complaint from an employee, a director of a subsidiary of a group of companies, who had been removed from his management position and then dismissed after reporting possible embezzlement committed by other directors of the group (Decision no. 2024-013). After mentioning the case law recognising that the concomitance between making the report and an unfavourable measure is a fact likely to create a presumption as to the link between the report and this measure²⁰, the Defender of Rights concluded that ending the expatriation of the employee could be considered as constituting a discriminatory measure and that the dismissal, linked to making the report, would be null and void, in the absence of any objective considerations justifying it.

2. Reporting of discrimination: conditions for admissibility broadened and support strengthened

As the authority responsible for collecting and processing Whistleblowing: new grounds for discrimination, the Defender of Rights may receive reports that are not admissible, outside the scope of a whistleblowing report, with regard to its remit and the conditions for the admissibility of complaints resulting from the *loi organique* [framework law] of 29 March 2011.

Article 35-1 of this *loi organique* [framework law] stipulates that any whistleblower may submit a report to the Defender of Rights, who will deal with it if it falls within one of the four areas of Article 4 of the *loi organique* [framework law]: defence of rights and freedoms in relations with central government services, local and regional authorities, public agencies and bodies entrusted with a public service mission; defence and promotion of the best interests and rights of the child; anti-discrimination; and compliance with the code of ethics by persons exercising security activities.

The admissibility of a whistleblowing report therefore depends solely on whether the person making it qualifies as a whistleblower as per the terms of the Law of 2016 and

whether the situation he or she is reporting falls within the institution's subject matter jurisdiction. The other admissibility criteria set out in the *loi organique* [framework law], such as being a victim of discrimination and not merely a witness (article 5 of the *loi organique* [framework law]), do not apply. Witnesses are the target audience for whistleblowing legislation. In this respect, it is clear from the parliamentary work surrounding the adoption of the Law of 9 December 2016 that the very notion of whistleblower presupposes that the person using this term is motivated by an interest that goes beyond his or her personal situation.

When the Law of 9 December 2016 is applicable, whistleblower support is an asset that can be used in the context of any report, including therefore those submitted to the Defender of Rights.

It is therefore possible for the Defender of Rights to intervene in both capacities for the same person who has reported the discrimination: on the one hand, by recognising their status as a whistleblower, and on the other, by investigating the discriminatory practices they have reported.

Jurisdiction over the rights of whistleblowers opens up new possibilities for intervention, by making it possible to deal with situations where a witness has reported discriminatory practices, or by encouraging the reporting of systemic discriminatory practices within a private company or public administration. Whistleblowers are “insider witnesses” of the life of any organisation, whether private or public, and their protection makes it easier to uncover discrimination within such organisations. If the fight against discrimination is to be effective, this remit illustrates the need for the complementary mobilisation of individual and structural actions.

III. THE COMPLEMENTARY NATURE OF ACTIONS TAKEN BY THE DEFENDER OF RIGHTS: AT BOTH INDIVIDUAL AND STRUCTURAL LEVELS

On 8 February 2024, to mark the third anniversary of the launch of the *antidiscriminations.fr* platform and the helpline number (3928) for victims of discrimination, the Defender of Rights brought together those involved in combating discrimination for a day of discussions on the levers that can be mobilised to prevent and fight against discrimination effectively: “Anti-discrimination: from individual action to systemic levers”.

“This symposium highlighted the technical nature and complexity of combating discrimination through the law. Despite the shortcomings and weaknesses of the legislation, the class action procedure is an example of this. This meeting showed that there are real opportunities, made possible by case law and the unwavering commitment of the stakeholders involved.”

Delphine Tharaud

Professor of Private Law (Université de Limoges) and speaker at the symposium

The Defender of Rights reminded us that combating discrimination cannot simply be a matter of reporting discrimination and reinforcing the rights of those who are victims of it – something that still needs to be perfected. Litigation, in particular, when successful, only provides compensation for the victim's individual loss, without sanctions that provide a real deterrent and without any action to correct identified structural discrimination.

Combating discrimination must therefore involve the public authorities and all stakeholders in a complementary approach aimed at questioning and then transforming behaviour and practices in order to eliminate discrimination at source.

A. PROTECTING VICTIMS

The individual and litigious approach to discrimination, while essential in guaranteeing compensation for the harm suffered, has its limits. It relies on the ability of victims to undertake procedures that are often long, complex and costly, and tends to deal with cases in isolation. Recourse to the Defender of Rights offers an accessible, free and independent channel for resolving individual situations (through mediation), as well as making recommendations and taking action to prevent and combat discrimination.

1. Some recommendations from the Defender of Rights to improve non-discrimination law

Under the impetus of European Union law, French non-discrimination law has undergone a number of improvements over the past 20 years: adjustment of the burden of proof in civil and administrative courts, recognition of indirect discrimination, ability of trade unions and non-profit organisations to initiate proceedings in cases of discrimination in place of the victims, acceptance of *testing* as evidence before civil, administrative and criminal courts, etc. While the French legal framework currently appears to be fairly comprehensive, it could nevertheless be improved and/or strengthened on certain points.

Limit the proliferation of criteria

Non-discrimination law in France suffers from an excessive number of discriminatory criteria, the multiplication of which risks undermining its effectiveness rather than reinforcing it²¹. The Defender of Rights, who was interviewed about a bill adopted on first reading by the National Assembly on 28 March 2024 that was aimed at specifying that the discrimination on the grounds of physical appearance includes “hair discrimination” (affecting people with frizzy hair in particular), emphasised the futility of this clarification.

Discrimination on the grounds of physical appearance may already be punished²². Moreover, by focusing on physical appearance rather than on origin, grounds that may also be used, this initiative runs the risk of making the racist prejudices and motivations underlying discriminatory acts less visible.

Improve the class action system

On the other hand, non-discrimination law would benefit from the legislator resuming its work on class actions, which has existed in non-discrimination law since 2016, but which has so far not led to any convictions. In its opinion no. 24-01, the Defender of Rights welcomed the progress made in the bill on the legal framework for class actions, as passed by the National Assembly on 8 March 2023. This text, which lapsed following the dissolution of the Assembly, facilitated the use of class actions by providing for a broadening of standing to bring an action, the inclusion of discrimination suffered before the entry into force of the 2016 Law²³, and improved compensation of damages (see Sheet 3 “Ensuring a real scope for class action” in the booklet “Anti-discrimination: the Defender of Rights’ cross-disciplinary recommendations”, published in February 2024).

Increase the deterrent effect of sanctions

The Defender of Rights notes that grounds for discrimination, in both criminal and civil law, remain weak. Consequently, they have no dissuasive effect, something which would nevertheless encourage organisations to change their practices, either before or under threat of litigation. The Defender of Rights was approached by the lawyers of several people who had worked for a non-profit organisation and had been found by the criminal court to be victims of undeclared work, employment of a foreigner without a permit to work on French territory and aggravated trafficking of human beings.



“Anti-discrimination: from individual action to systemic levers” symposium, 8 February 2024.

The criminal court did not rule on compensation for the financial losses suffered by the victims, considering that this was a matter for the industrial tribunal alone. The Defender of Rights, considering that the victims had suffered intersectional discrimination covering several grounds (origin, nationality, gender, particular economic vulnerability) and recalling that the right to full reparation must be effective and must take into account the reality of the situation experienced by the victims in all its dimensions, decided to present its findings to the industrial tribunal hearing, in particular, claims for compensation for harm suffered as a result of discrimination (Decision no. 2023-179). In a ruling dated 8 March 2024, the Paris industrial tribunal rejected the claim for recognition of intersectional discrimination and refused to compensate the alleged damages, taking the view, on the basis of the principle of *res judicata*, that the criminal court had ruled on compensation for the non-material damage suffered by the plaintiffs and had already awarded them sums in compensation.

To guarantee effective and dissuasive sanctions, in accordance with European requirements, the Defender of Rights proposes the introduction of a civil fine in addition to compensation for the damage suffered by

the victim (see Sheet 2 “Enabling the judge to impose dissuasive sanctions” in the booklet published in February 2024). The Defender of Rights put forward this proposal in 2024 as part of a working group led by the Ministry of Justice, in line with the French government’s plan to combat racism, anti-Semitism and discrimination based on origin.

Study day on the need for comprehensive anti-discrimination legislation

To mark International Human Rights Day on 10 December, the Defender of Rights took part in a study day organised by the Office of the United Nations High Commissioner for Human Rights and the Equal Rights Trust, at the Université d’Aix-Marseille, on “Celebrating human rights and advancing equality for all. Adoption and implementation of comprehensive anti-discrimination legislation: perspectives from French-speaking countries”. The institution presented the limits of France’s anti-discrimination legislative arsenal and outlined its recommendations in this area.

2. Before the courts, the findings of the Defender of Rights in matters of discrimination

In accordance with Article 33, sub-paragraph 2, of the *loi organique* [framework law] of 29 March 2011, the Defender of Rights may present findings before the courts, at the request of the parties. 2024 provided numerous examples of court rulings that have agreed with the findings submitted by the institution.

Visually-impaired customer refused access to a shop because of his guide dog

The Defender of Rights was asked for an opinion by a public prosecutor's office following a complaint lodged by a visually-impaired man who, accompanied by his guide dog, had been refused access to a shop on the grounds that animals are not allowed in food stores²⁴. It submitted its findings concluding that there had been discrimination on the grounds of disability (Decision no. 2024-092). In its judgment, the Marseille Criminal Court agreed with the Defender of Rights and ordered the shop manager to pay damages for the harm suffered, as well as to undergo a fifteen-day citizenship course.

A question for...

Fabienne Jégu

Expert advisor on disability and independent living at the General Secretariat

Gabriel Amy

Legal advisor to the "Discrimination in the private sector" division

Why is this decision of particular importance in terms of the rights of people with disabilities?

"The law prohibits refusing access to public places to guide or assistance dogs, which is punishable by a class 3 fine (between 150 and 450 euros). Despite this, people with disabilities encounter such refusals on a daily basis, whether in accessing shops

or transport (taxis, for example). In this case, the Defender of Rights considered that the refusal was likely to constitute the offence of discrimination provided for in articles 225-1 and 225-2 of the Criminal Code, which carries heavier penalties for perpetrators (up to five years' imprisonment and a fine of 75,000 euros) and is therefore a greater deterrent. In fact, refusing access to guide or assistance dogs is tantamount to refusing access to people with disabilities, as guide dogs are by their very nature inseparable from people whose disability justifies the need for their presence, in the same way that wheelchairs are inseparable from paraplegics. In convicting the shop manager, the criminal court recognised that the offence of discrimination had indeed been committed. For the Defender of Rights, this is an important first step in recognising the seriousness of the discrimination suffered by people with disabilities in their day-to-day lives."

Patients denied care due to their HIV status

A complaint was lodged with the Defender of Rights concerning the difficulties encountered by a patient in receiving treatment from a dental surgeon due to his infection with the Human Immunodeficiency Virus (HIV). The Defender of Rights presented her findings before the court (Decision no. 2024-003), which, after explaining the adjustment of the burden of proof in non-discrimination law, accepted the existence of a discriminatory refusal of care on the part of the health centre where the dental surgeon in question practises and ordered him to pay the claimant the sum of 1,000 euros in damages as compensation for the non-material harm suffered, as well as the sum of 600 euros pursuant to Article 700 of the Code of Civil Procedure.

On the same subject, the Defender of Rights also assisted claimants before professional body tribunals: Decision no. 2024-028 (recommendations to the Order of dental surgeons) and Decision No. 2024-074 (findings before the disciplinary chamber of first instance of a regional council of the Order of doctors, which issued a sanction consisting

of a six-month suspension from practice, four months of which were suspended, and payment of 2,000 euros to the patient)²⁵.

Discriminatory request to change foreign-sounding first name and surname

A complaint was lodged with the Defender of Rights regarding a request by the claimant's employer to change her first and last names on the grounds that they were foreign-sounding and that this would displease the company's clientele and would be the cause of commercial performances considered insufficient by the employer. The Defender of Rights presented her findings to the industrial tribunal, concluding that there had been discrimination on the basis of surname and origin. In its ruling, the tribunal considered that this was merely a "commercial exercise" with no intention of causing harm, and did not recognise the discriminatory nature of the request. The claimant therefore appealed against this ruling and the Defender of Rights submitted new findings (Decision no. 2023-070). The Court of Appeal ruled in 2024 that the employee had indeed been the victim of discrimination. Termination of the contract therefore constituted wrongful dismissal and the employer was ordered to pay the employee damages of €9,600.

"Zebiba" (prayer callus) and the principles of neutrality, secularism and non-discrimination

A complaint was lodged with the institution concerning the administration's refusal to approve a candidate's application for a job as an assistant police officer on the grounds that he had a callus on his forehead (zebiba) as a result of his assiduous practice of Muslim prayer. Countering the arguments put forward in support of this refusal, the Defender of Rights reiterated, on the one hand, that the devout practice of Muslim prayer was not reason, on its own, to fear a risk of radicalisation and, on the other hand, that the mere presence of the prayer callus on his forehead was not sufficient to establish that, once in post, he would not respect his obligations of neutrality and secularism. Furthermore, the claimant explained to the services of the Defender of

Rights that, if the callus on his forehead was deemed incompatible with the obligations of neutrality and secularism, he would be prepared to conceal it with make-up (Decision no. 2024-127). The Paris Administrative Court of Appeal annulled the refusal to approve the claimant's application, ruling that the administration could not legally refuse on the grounds of the risk of radicalisation, on the one hand, and non-compliance with the obligations of secularism and neutrality, on the other. It did not without however make a ruling on the discrimination linked to religion²⁶.

Support from international and European law

A legal representative, and legal guardian, lodged a complaint with the Defender of Rights concerning the refusal by the *Caisse Primaire d'Assurance Maladie* (CPAM, primary health insurance fund) to grant a protected adult complementary health insurance (C2S), on the grounds that the person's annual income exceeded the authorised ceiling. The investigation revealed that the costs of the guardianship imposed on the insured person were not deducted from the income taken into account, and that this deduction would have enabled the insured person to establish his income as being below the ceiling, and thus to benefit from C2S. Considering, on the basis of the case law of the European Court of Human Rights, that prohibiting discrimination may impose an obligation to treat differently those persons placed in an unfavourable situation on the grounds of discrimination, the Defender of Rights considered that the costs of guardianship imposed on the insured person because of the legal protection afforded to him, due to a health problem or disability, must be deducted from the income taken into account to assess eligibility for C2S. The failure of the legislation to provide for such a deduction leads to indirect discrimination on the grounds of health and disability (Decision no. 2024-004). The institution therefore submitted findings to the court hearing the case, which, on 5 September 2024, rejected the application of national legislation and decided that C2S should be awarded to this protected adult, on the basis of the International Convention

on the Rights of Persons with Disabilities, the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter.

3. Some examples of reminders of the law and decisions on individual recommendations

When dealing with the complaints it receives, the Defender of Rights may, in particular, issue reminders of the law or make any recommendation it considers likely to guarantee respect for the rights and freedoms of the injured party and to resolve the difficulties raised or prevent their recurrence.

Vocational training centre and neutrality clause

The institution received a complaint about the difficulties encountered by a trainee wearing a hijab while attending vocational training. It pointed out that trainees in vocational training are subject to provisions specific to their status; the legality of a neutrality clause aimed at them cannot therefore be deduced by analogy with the provisions applicable to employees in the private sector. The neutrality clause in the training centre's internal regulations therefore leads to direct discrimination on the grounds of religion. As a result, the Defender of Rights recommended the removal of the ban on wearing head coverings, the removal of the neutrality clause and fair compensation for the harm suffered by the claimant (Decision no. 2024-102).

A kimono is not an abaya

The Defender of Rights received a complaint about a high school student who was refused access to a school because she was wearing a long beige kimono that the school management, following a memo from the French Minister of National Education and Youth dated 31 August 2023, had wrongly equated to an abaya. The Defender of Rights noted that, even though the student had refused to take off her kimono that day, it did not appear that this alone was sufficient to suggest that she intended, by wearing it, to manifest her religious affiliation. In fact,

the student had never before received any remarks about her clothes, even though they were similar. As part of the investigation carried out by the Defender of Rights, the education authority acknowledged that her clothing did not appear to be contrary to the law. The Defender of Rights took note of this, and also recommended that the director of the education authority remind school heads of the importance of engaging in dialogue with pupils and their legal representatives before considering any measure to prohibit access to the school, and to encourage such access in cases of doubt as to whether or not the pupil intended to ostensibly manifest his or her religion (Decision no. 2024-110).

Discriminatory refusal to rent

The case was referred to the institution by a 40-year-old claimant who had been refused accommodation in a student residence because of her age. Noting discrimination on the grounds of age, the Defender of Rights recommended that the respondent company re-examine the claimant's application, contact her in order to repair her damage, change its practices in terms of tenant selection and provide awareness training to the staff responsible for selection on anti-discrimination in accessing private goods and services (Decision no. 2024-159; see also, regarding refusal to rent on the grounds of age, Reminder of Law no. 2024-020).

The Defender of Rights also received a complaint concerning refusal of access to a service by a online platform for putting individuals in contact with each other to rent accommodation, based on the age and place of residence of the user. When questioned by the Office of the Defender of Rights, the company in question admitted that bookings were automatically blocked by its platform as soon as the user met six cumulative conditions, including age (under 25) and place of residence (living less than 48 km from the intended rental location). The company argued that its decision is intended to protect the safety and property of homeowners and is part of a policy to prevent unauthorised parties. The Defender of Rights considered that the company in question was pursuing a legitimate

aim, but that it had failed to demonstrate that the means implemented to achieve this objective were proportionate, appropriate and necessary. As the claimant had been discriminated against on the grounds of her age and place of residence, the Defender of Rights recommended that the respondent company approach the Defender of Rights in order to provide fair compensation for the harm suffered, to abandon the criteria of age and place of residence in its procedure for accessing its services and to train the staff responsible for defining the criteria for automated blocking of reservations, as well as the teams responsible for handling user complaints, in non-discrimination law (Decision no. 2024-145).

Persistent discrimination on the grounds of pregnancy

The Defender of Rights has published a leaflet (2020) and a guide (2022) on discrimination on the grounds of pregnancy. Despite the widespread communication of these media, the institution notes persistent discrimination in this area.

The Defender of Rights was contacted by a claimant employed as a school supervisor on a fixed-term contract at a secondary school. She felt that the refusal to renew her most recent fixed-term contract was based on her pregnancy. In particular, she argued that the announcement of her pregnancy coincided with the non-renewal of her contract. During the adversarial debate, the education authority produced evidence that did not refute this allegation. The Defender of Rights therefore concluded that the claimant had been the victim of discrimination on the grounds of her pregnancy and recommended that the director of the education authority remind her departments that discrimination was prohibited and to approach the claimant with a view to compensating the damages suffered (Decision no. 2024-169; see also, for another refusal to renew the fixed-term contract of a former employee of a state-run establishment, Decision no. 2024-049).

In other disputes relating to discrimination on the grounds of pregnancy, the Defender of Rights, in accordance with the wishes of the claimants, sought to reach an amicable settlement with the company or administration in question, attempting to find an agreement that would suit each of the parties (see, for example, Amicable Settlement no. 2024-038, concerning a claimant who had not been reinstated in her position following maternity leave).

4. The advantages of mediation in discrimination cases

In accordance with article 26 of the *loi organique* [framework law] of 29 March 2011, the Defender of Rights “*may seek to reach the amicable resolution of disputes brought to its attention, through mediation*”.

Mediation is a method that can be adapted to resolving discrimination disputes, particularly when the claimant wishes to preserve future relations with the respondent (for example, in the context of a working relationship). Faster than going to court, mediation also offers a greater chance of success when there is insufficient evidence to prove discrimination. Conducted in a confidential setting, it also creates a space for dialogue, guaranteed by the Defender of Rights, by enabling the parties to express themselves freely without fearing that their comments will subsequently be used in legal proceedings. For mediation to be successful, the parties involved must play an active role in finding appropriate solutions, taking into account the specific nature of the situation and the needs of each party. This proactive approach promotes ownership and acceptance of the agreement reached. Whether conducted by a regional delegate, who welcomes the involved parties, or by an employee at head office, mediation enables the victim to feel understood and, for the organisation in question, to become aware of the issues linked to discrimination and to envisage long-term changes.

Extra time granted for hearing-impaired student to hand in an assignment

The Defender of Rights was contacted by a hearing-impaired student who had been granted educational accommodations, including the addition of subtitles to online course videos. Because of a delay in setting up the subtitles for the videoconference explaining how to prepare for the exams, the claimant did not have access to the instructions until several days after the other students. The institution refused her request for more time to hand in the assignment. After the representations made by the Defender of Rights, the institution finally agreed to grant this delay, allowing the student to hand in her assignment later than initially planned (Amicable Settlement no. 2024-091).

Guaranteed lunch break for disabled candidates sitting the IRA internal competitive exam

The Defender of Rights was contacted by a candidate sitting the internal competitive exam to access to the regional administration institutes (IRA) because the lunch break was reduced to 10 minutes between the two written tests for candidates allowed additional time due to their disability. In order to resolve this dispute amicably, the Defender of Rights questioned the Directorate General for Administration and the Civil Service (DGAFP), the authority organising the competitive exam, which indicated that the invigilators, responsible for reading the general terms and conditions under which the tests are held, will now ask candidates allowed additional time to arrive thirty minutes (as opposed to one hour) before the start of the second test, so that they can have a 40-minute lunch break. Furthermore, it has undertaken to ensure that the terms used in notifications for the written tests are amended to avoid any problems of interpretation (friendly settlement no. 2024-097).

Helping employees resolve difficulties encountered after their gender transition

In 2023, an employee of a bank had her birth certificate and passport changed following a gender transition. As her employer refused to update her civil status, the Defender of Rights took amicable action with the bank in question. The latter indicated that this refusal was intended to avoid exposing the employee to a loss of her social security rights, as they had not yet received her new social security number. Everything subsequently returned to normal, and the employer assured the claimant that it had taken note of her concerns and had worked on its IT systems to improve procedures with a view to creating an inclusive climate for transgender people (Amicable Settlement no. 2024-109; see also, for discrimination on the grounds of gender identity suffered by a bank customer, Amicable Settlement no. 2024-022).

In another situation, an engineer working in a large company who had undergone a gender transition had her HR documents and badge changed to reflect her new identity, but her old identity remained visible in the IT system. The Defender of Rights delegate approached the company's management on a confidential basis, obtaining assurances that the company would speed up corrections to the internal software. In addition, it has set up a "Transition" coordinator to support the employees concerned.

Trade union mandate and working full time: when mediation overcomes the difficulties

An employee, a part-time psychomotor development therapist on a permanent contract in an early years medical-social action centre, applied for another part-time in her establishment. The post became available after a colleague took a one-year leave of absence. The position would have enabled her to move to full-time working hours. However, the director informed him by e-mail that her application had been rejected because of her trade union mandate. The situation was referred to the Defender of Rights delegate, who initiated mediation. She contacted the director to inform him of the legal framework prohibiting discrimination on the grounds of trade union activity and suggested that he try to resolve the dispute amicably. Following this exchange, the manager invited the employee to an interview to examine her application “like the other candidates”, and two days later she was informed that her application had been accepted.

Prejudice linked to origin: an obstacle on the way to school

A couple and their children had come to the south of France from overseas following an emergency medical evacuation (their three-year-old daughter was seriously ill) and were staying with another family member. When the couple tried to enrol their four-year-old son in nursery school, they were refused by the mayor, who cited the cramped conditions of their home and the family’s “way of life”, a refusal clearly steeped in prejudices linked to their overseas France origins. The mother contacted the delegate of the Defender of Rights, who contacted the mayor on the same day. The elected representative refused to back down from his position and demanded documents – which are not required by law – in order to allow the child in school. With the help of the institution’s regional branch, the delegate drew up a written request to review the situation, citing the child’s best interests and the decree of 29 June 2020, which defines the documents required for a child to attend school. As the mayor would still not review his

decision, the delegate turned to the National Education Department: the district inspector automatically enrolled the child, who was thus able to start the new school year, albeit three weeks late.

5. Raising awareness among victims of discrimination

At national level, the creation in 2021 of the *antidiscriminations.fr* platform and the dedicated 3928 helpline number contributed to the increase in discrimination claims received by the institution between 2020 and 2023.

The drop in 2024 confirms the need for a major national campaign, requested by the Defender of Rights, to promote the platform and give the Defender of Rights even greater visibility in combating discrimination.

Being better identified by young people on social media

In the absence of sufficient resources, the institution has adopted alternative methods of raising its profile, particularly among young people. In 2024, the Defender of Rights enlisted help from social media influencers.

A question for...

Anne Pinault-Rabier

Communications officer

Why has the Defender of Rights chosen to call upon influencers? How do they go about relaying the institution's messages?

“The results of an awareness survey showed that certain categories of people are less familiar with the institution, particularly younger people, i.e. those under 35. However, in order to assist as many people as possible, the institution must do more to reach out to these groups, who are sometimes the furthest removed from their rights, especially when other factors are taken into consideration. So we decided to enlist help from influencers on social media, enabling us to tap into the leading source of information for young

people, complementing our communication in conventional media.

Influencers with a wide range of profiles were invited to the institution on various occasions. They spread the word about the existence of the Defender of Rights and its work by posting videos, visuals or messages on social media. This enabled us, for example, to raise awareness of the institution's anti-discrimination work on the third anniversary of the antidiscriminations.fr platform, or on International AIDS Day on 1 December last year."

New contact points for victims of discrimination

Throughout France, whether in the form of structured partnerships or more ad hoc meetings, the staff of the Defender of Rights, as well as the regional delegates, play a vital role in sustaining and nurturing the issues of non-discrimination a day-to-day basis in the regions and ensuring the visibility of the institution's missions.

Once again this year, in line with the "outreach" approach adopted by the Defender of Rights, this local commitment is reflected in the opening of new contact points and their diversification within structures dedicated to combating discrimination.

In collaboration with the city of Marseille, the PACA-Corse regional branch has decided to open a new walk-in service at Marseille's LGBTQIA+ centre. This community centre, the only one of its kind in the city, provided a community health centre and social areas dedicated to LGBTQIA+ people. It is a secure location offering real access to rights, with a monthly walk-in session staffed by municipal services to help people with their civil status procedures, access to rights and social support, in collaboration with specialist non-profit organisations.

In the Lille area, a delegate run fortnightly walk-in sessions at the non-profit organisation "La Sauvegarde du Nord" for travellers.

Similarly, since September 2024, a monthly walk-in service has been provided at the travellers' contact point in Quevilly (76), in collaboration with the Seine-Maritime departmental council for access to rights.

An example of a regional meeting in Nouvelle-Aquitaine to raise awareness of the scope of the Defender of Rights' delegates

In 2024, "Pays et Quartiers de Nouvelle-Aquitaine" (a resource centre on territorial development created in 2002 by the central government and the region) approached the Defender of Rights as part of its certification programme "Acting against discrimination in the territories", run in conjunction with the French government, the Nouvelle-Aquitaine region, the "Boulevard des Potes" study and training centre and the association for research and study on health, cities and inequalities (ARESVI). The aim of the regional meeting, held on 27 June 2024 in Périgueux, was to present the regional strategy deployed by Greater Périgueux, discuss it in themed workshops and compare the views of elected representatives, local stakeholders and experts. It was an opportunity for the Nouvelle-Aquitaine regional branch to promote the institution's documentary resources and to remind people of the scope of the Defender of Rights delegate in this area.

B. PREVENTING DISCRIMINATION AND PROMOTING EQUALITY

The systemic dimension of discrimination means that, in addition to individual responses, we need to put in place an overall strategy to correct the mechanisms that lead to discrimination and to prevent it. In this respect, the work of the Defender of Rights in promoting rights and equality seems essential. Article 34 of the *loi organique* [framework law] of 29 March 2011 states that the Defender of Rights shall “conduct and coordinate studies and research”, “encourage and support initiatives by all public or private sector bodies concerning the development and adoption of commitments aimed at promoting rights and equality”, “identify and promote all good practice in this area”, and encourage “the set-up of training programmes”.

At the symposium it organised on 8 February 2024 on anti-discrimination, the Defender of Rights produced a booklet of eight factsheets, aimed primarily at public authorities and the stakeholders involved: “Anti-discrimination: the Defender of Rights’ cross-disciplinary recommendations”. From prevention to sanctions, including the measurement of discrimination, these factsheets detail the recommendations made by the institution regarding reforms to be undertaken and best practices to be put in place, emphasising the need for shared and structural cross-disciplinary action. These eight factsheets are supplemented from time to time by thematic factsheets posted on the Defender of Rights website. In 2024, Factsheet no. 9 “Combating gender-based discrimination and guaranteeing equal pay and career opportunities for women and men” and Factsheet no. 10 “Combating discrimination and breaches of rights suffered by travellers” were added.

1. Gaining a better understanding of forms of discrimination and evaluate anti-discrimination initiatives

Knowledge, through objective data, of the situation of social groups exposed to discrimination enables us to fight against the structural inequalities they encounter more effectively. This data helps to realise the extent of discrimination and helps to make these inequalities visible, particularly in the context of litigation, in order to demonstrate individual discrimination and put it into context. The studies are levers for mobilising stakeholders and an essential form of support for drawing up and monitoring public policies and equality policies within public and private sector organisations.

In France, the development of research in law, especially in social sciences and official statistics, has led to a better understanding of the mechanisms of discrimination, the development of different methodologies for measuring its prevalence and understanding its systemic impact. However, the collection and use of data to document discrimination remains limited, particularly for certain discrimination criteria, and is not the subject of a coordinated approach.

For the Defender of Rights, it is essential to support the production of shared grounds for discrimination. 2024 provided an opportunity to reiterate this.

Using testing as a tool to measure discrimination and assess remedial action

Statistical *testing* enables large-scale measurement of the extent of discrimination within a given company, public administration or business sector. Their usefulness depends on how well they are integrated into an effective anti-discrimination strategy. However, the *testing* operations commissioned by the public authorities (for example in 2016 and 2018, to measure origin-based discrimination in recruitment in around forty large companies) have remained isolated and limited to one-off communication campaigns, without any corrective measures being demanded afterwards.

For several years now, the Defender of Rights has petitioning public authorities on the need to carry out national *testing* campaigns regularly and monitor them over time, targeting access to employment, housing or other goods and services in order to identify discriminatory mechanisms and promote structural reform. If discrimination is found as a result of this *testing*, the organisations in question should be required to put in place measures to prevent and correct it.

At a Senate hearing on 15 February 2024, the Defender of Rights reiterated her commitment to making *testing* a tool for measuring discrimination, as well as for assessing the corrective measures implemented within organisations²⁷.

Setting up a National Discrimination Observatory

The *testing* methodology is only relevant in certain specific situations: recruitment, in the case of employment (and not career development), housing (mainly rental) and access to certain everyday goods and leisure activities (hotels, restaurants, taxis/minicabs, etc.). *Testing* therefore needs to be supplemented by other approaches: collection and analysis of data from official statistics, demographic, sociological and opinion surveys, victim studies, etc. It is for this reason that the Defender of Rights recommends the creation of a National Discrimination Observatory, which would be tasked with promoting all the work and data used to report objectively on the reality of discrimination in France and to monitor public policies and the implementation of the legal obligations of the various stakeholders (see Factsheet no. 1 “Measuring discrimination in order to take action”, February 2024).

At regional level, the Defender of Rights takes part in the launch of steering committees for local discrimination observatories in the métropoles [greater urban area] of Rennes and Nantes

The purpose of the observatories is to enable assessment of discrimination and discrimination-related policies implemented across the cities and the municipalities in each *métropole* [greater urban area]. The aim is to identify the issues involved more accurately and to forge a reflective and participative tool that will enable recommendations to be drawn up that are as close to the on-the-ground reality as possible, and that complement the tools produced and work done at national level. To this end, the steering committees bring together various resources/stakeholders from the region: elected representatives, academics, contributors from civil society and the Bretagne – Pays de la Loire regional branch of the Defender of Rights.

2024 barometer on discrimination in employment: 17th edition with special focus on older employees (aged 50 and over)

Victim surveys are one way of measuring discrimination, such as the barometer on the perception of discrimination in employment that the Defender of Rights publishes each year with the ILO. In December 2024, the 17th Employment Discrimination Barometer focused on discrimination experienced by people aged 50 and over.

While the employment rate among older workers has risen sharply in recent decades, the survey reveals some worrying facts. A quarter of older employees say they have been victims of discrimination, and six out of ten fear future age-related discrimination. Stereotypes against them remain firmly entrenched (lack of dynamism, difficulty in adapting to new technologies or incompatibility with younger teams). One in two older employees say they have suffered from a lack of recognition or appreciation in their work. These prejudices are sometimes reinforced by other grounds such as health,



17th barometer (2024) on the perception of discrimination in employment: round table with the social partners.

disability or origin. For example, older employees perceived as being of foreign origin report twice as much discrimination (43% compared with 22%). This discrimination and the fear of losing one's job (20% of older employees) have serious repercussions, particularly on mental health, downgrading of professional status and isolation.

For this publication, the Defender of Rights and the ILO brought together experts, researchers and leaders of employee and employer trade unions to discuss the results and solutions for combating discrimination.

Work on discrimination suffered by young people

In addition to statistical surveys, the Defender of Rights contributes to supporting research and producing new knowledge on discrimination, which enables it to develop interpretative analysis guides that it can then use when dealing with the complaints it receives. In 2024, several reports were published following a call for projects by the Defender of Rights.

Supported by the *Institut National de la Jeunesse et de l'Éducation Populaire* (Injep, national institute for young people and popular education), the research project

“How I took my university to court’. Young students and access to rights in the era of Parcoursup” (April 2024) examines the effects of new higher education selection methods (Parcoursup, Monmaster) on applicants and their families, in order to understand how users use education law to challenge these decisions. It also involves observing the work of legal professionals (lawyers, administrative judges and university legal departments) and mediation institutions (including the Defender of Rights) in responding to these users, as well as the effects of these disputes on universities and their staff.

Two other studies published in March 2024 highlighted the combination of discrimination linked to origin and territorial inequalities suffered by young people in priority urban neighbourhoods, who are overexposed to discrimination in accessing conventional forms of employment: “Are ‘invisible’ young people employable? Analysis of the images and practices of system D employment intermediaries”; “Difficulties in supporting young people: the growing uberisation of work in priority neighbourhoods”.

2. Changing practices

Based on its recommendations, the Defender of Rights supports professionals in the private sector (companies) and the public sector (public authorities, administrations, local authorities, etc.) to change their practices. This approach is part of a constructive dialogue with these stakeholders, with a view to making structural changes to their practices and thus meeting the requirements of the principle of non-discrimination.

Discriminatory identity checks: public authorities once again questioned

In recent years, the Defender of Rights has used several of its tools to try to report objectively and quantify discriminatory identity checks. Despite making significant progress in finding out more about this phenomenon, it is still difficult to recognise the discriminatory nature and systemic dimension of these controls. This is evidenced by the absence of any mention of discriminatory identity checks in the government's 2023-2026 plan to combat racism, anti-Semitism and discrimination based on origin.

However, we need to move towards more robust legal protection against such practices. The Defender of Rights therefore continues to make recommendations to the public authorities. These include setting up a system for assessing the practice of identity checks, their effectiveness and their impact on dealings with the public; ensuring that identity checks can be traced, thus guaranteeing that the individuals checked can effectively lodge an appeal and that the supervisory authorities can effectively investigate any allegations of discrimination; amending the legal framework for identity checks, by specifying in article 78-2 of the Criminal Procedure Code that they must not be based on discriminatory criteria and that the reason for selecting a person for an identity check must be objective and be stated to the person concerned, etc.

A reminder of these recommendations can be found in a thematic file published online on the Defender of Rights' website in February 2024 ("Identity checks: what does the law say

and how can we put an end to discriminatory checks?"), as well as in a dedicated sheet (no. 8) in the booklet "Anti-discrimination: the Defender of Rights' cross-disciplinary recommendations".

Systemic discrimination in sexual and gender-based violence: combating it more effectively through the intervention strategies of the Defender of Rights

In this area, whenever necessary, the Defender of Rights decides to make general recommendations to the employer, in addition to its findings submitted to the court to which the claimant has appealed. This involves taking into account the individual situation (findings submitted to the courts or individual recommendations aimed at repairing the damage), but also more generally, analysing the context in which the situation occurred and the means implemented by the employer to deal with the incident(s). This analysis may lead the Defender of Rights to make recommendations to the employer aimed at preventing the risk of harassment and/or improving the handling of such situations when they have been reported.

This was the case where a claimant, a public finance inspector, applied to the administrative tribunal to obtain public sector employee protection, which she had been refused even though she had presented evidence suggesting that she had been the victim of sexual harassment by a work colleague. The Defender of Rights presented findings as part of the appeal lodged by the interested party to obtain public sector employee protection (Decision no. 2023-281). In a ruling handed down on 13 June 2024, the administrative tribunal annulled the decision refusing to grant the claimant public sector employee protection and stated that "*neither the absence of a final criminal decision, nor the absence of conclusions from the administrative investigation*" prevented the administration from granting public sector employee protection.

In the same case, the Defender of Rights considered that the investigation carried out by the administration into the facts of

sexual harassment contained numerous shortcomings, highlighting the lack of training of the investigators. It therefore also recommended that the competent minister ensure that the administrative investigation was carried out rigorously by a qualified person, duly trained in the issues of sexual harassment and in shifting the burden of proof (Decision no. [2023-282](#)).

This recommendation is in the process of being followed up, but the ministry concerned has already indicated to the Defender of Rights, in May 2024, that the General Secretariat had decided to set up a fact-finding mission on the conduct of administrative investigations and that it was considering setting up a government-wide pool of specialists in administrative investigations.

Sanctions: implementing a dissuasive and transparent disciplinary policy

An examination of complaints relating to sexual harassment shows that public sector employers are still struggling to put in place a dissuasive and transparent disciplinary policy that reflects the “zero tolerance” objective stated by the public authorities²⁸. It should be remembered that disciplinary action is the responsibility of public sector employers²⁹, who may decide not to take action even if there is evidence of sexual harassment. This is significantly different from private sector employers³⁰. As in the criminal justice system, where the public prosecutor has discretion to prosecute, public sector employers can “dismiss” the report made by its employee.

In this context, referring the matter to the Defender of Rights is an effective remedy for victims who, in addition to having their situation dealt with, also want the perpetrator to be punished.

If evidence of sexual harassment is found, the Defender of Rights can recommend that the employer initiate disciplinary proceedings against the employee in question. This possibility is provided for in Article 29 of the *loi organique* [framework law] of 29 March 2011, and the Defender of Rights referred to it in a case where sexual harassment had been committed by a primary school teacher against a colleague (Decision no. [2023-131](#)). This recommendation was followed by the administration in January 2024.

The situations examined by the Defender of Rights show that the sanctions imposed on the perpetrators of sexual and gender-based violence are often not proportionate to the severity of the acts committed, especially where perpetrators have line management authority over the victim. This was the case in a sexual harassment case handled by the Defender of Rights, where the sanction imposed on the perpetrator of the sexual harassment (ten days' leave) did not take into account the severity of the respondent's misconduct, the nature of his duties (hierarchical link with the victim) and his past record. In her decision, the Defender of Rights recommended that the Minister of the Armed Forces ensure, in particular through training for senior officers and members of joint administrative commissions (CAP), that sexual harassment is subject to effective, proportionate and dissuasive sanctions (Decision no. [2022-230](#)). In response to this recommendation, in September 2024 the Minister sent the Defender of Rights a disciplinary guide for sexual and gender-based violence. This guide specifies, by way of “reference”, the kinds of sanctions that may be imposed depending on the offences committed (sexual harassment, sexual assault, rape, etc.). The Defender of Rights considers that this guide represents a step forward in terms of the transparency of disciplinary action in the armed forces and hopes that the instructions contained therein will be applied.

A discriminatory practice ended following the intervention of the Defender of Rights to contest a town hall making civil partnerships conditional on proof of legal residence

Following its representations, the Defender of Rights has noted a change of the list of documents to be provided in order to conclude a civil partnership (“Pacs”) at a town hall, meaning that the condition of legal residence is no longer imposed on foreign nationals. This requirement, which had no legal basis, was likely to breach the principle of equality and be discriminatory (Decision no. 2024-204). In her decision, the Defender of Rights recommended that, in order to ensure that the list in question complied fully with applicable law and provide more accurate information for future applicants for a Pacs, the mayor of the municipality add to the non-exhaustive list of acceptable identity documents.

Refusal to provide healthcare to minors on the grounds of particularly vulnerable economic situation and origin: action by the Conseil National de l'Ordre des Pharmaciens (CNOP - French pharmaceutical council)

A complaint was lodged with the Defender of Rights regarding difficulties encountered at a pharmacy by a mother for her minor son, who was receiving state medical aid (AME). It was also informed of the difficulties encountered by an unaccompanied minor with the same pharmacy. The institution therefore informed the president of the central council of section E of the French pharmaceutical council and the president of the French pharmaceutical council (CNOP) of these facts, which it felt justified a sanction against the pharmacy manager, and recommended that the CNOP communicate this decision, in its anonymised version, to all dispensing pharmacists (Decision no. 2024-035).

As part of the follow-up to this decision, the CNOP informed the Defender of Rights that a disciplinary complaint had been lodged by the president of the central council of section E of the French pharmaceutical council against the pharmacist referred to in the decision, as well as against his assistant pharmacist. In addition, the anonymised decision was

included in the Council's electronic newsletter and published on the home page of the institutional website.

3. Mobilising and training stakeholders

As part of its decisions containing recommendations, the Defender of Rights invites the organisation in question, where necessary, to plan appropriate internal awareness-raising and training campaigns on discrimination. Although they are not limited to one-off, “low-intensity” initiatives³¹, these training courses do help to change attitudes and challenge staff practices, including the way in which they interact with users or customers where appropriate. They also help to encourage internal reporting and to respond quickly and proportionately.

The example of a training course on sexual harassment recommended to a local authority

In its Decision no. 2024-191 of 11 December 2024, concerning two female highway patrol officers who had been sexually harassed by the same co-worker, the Defender of Rights recommended that the employing local authority, having breached its health and safety obligations, approach the two officers with a view to compensating them for their losses and, in addition to addressing their individual situations, (in particular) train managers in a “zero tolerance” policy regarding sexist jokes, obscene comments and behaviour with sexual innuendo.

Discrimination based on physical appearance: training and awareness-raising recommendations followed up by a company

The Defender of Rights was contacted by a claimant who had applied to an events agency for a hostess position at a trade fair. Having refused to wear high heels during the proposed assignments, the candidate was not selected by the agency manager. The Defender of Rights considered that upholding a brand image (the objective put forward by the agency) could be achieved by appropriate means proportionate to the objective sought, through the establishment of more general dress requirements of “neat

presentation” or “elegance”, thus eliminating any risk of discrimination and maintaining gender stereotypes. The institution therefore recommended that the company review its recruitment practices in order to comply with the principle of non-discrimination and raise awareness of non-discrimination among all its recruitment staff (Decision no. [2024-051](#)).

In response to the Defender of Rights’ decision, the company stated its commitment to raising awareness among its teams of the need to comply with the principle of non-discrimination and announced its intention to review its recruitment practices to prevent such a situation from recurring. This, in particular, involved taking the following measures: training and raising awareness among staff responsible for recruitment, revision of selection criteria using a skills-based approach, transparency and communication with candidates on selection criteria and recruitment stages.

Training sessions for employee trade unions

As part of its work, the Defender of Rights also carries out its own awareness-raising initiatives and training activities in the field. These actions are carried out, in particular, as part of formalised partnerships by taking part in dedicated sessions or sequences of initial or continuing training, developing and contributing to training modules and tools, producing presentation videos, etc. 2024 provided new examples of this initiatives.

In 2024, work began with employee trade unions to promote anti-discrimination training within their respective organisations.

In this context, a “train the trainers” course was given by the Defender of Rights’ teams in June and November 2024, with the aim of promoting the roll-out of internal sessions to their members and/or the integration of dedicated resources within existing training programmes. These training courses will raise awareness of the remit of the Defender of Rights and the resources available to trade union representatives and activists to combat discrimination in employment, guarantee the right to appeal for the employees and agents concerned, both individually and collectively, and raise awareness of the role of the trade union and employee representatives in anti-discrimination at a collective level (for example, through action plans and agreements in the company or administration).

A non-discrimination training module set up in partnership with the Institut des hautes études de l’éducation et de la formation (IH2ET - French institute of further education and training)

The self-training course “Getting to know the Defender of Rights to combat discrimination in schools” is the second module that the Defender of Rights has developed with [IH2EF](#) (the French institute of further education and training), after the one devoted to the [rights of the child](#). These training courses are aimed primarily at managers in the French national education system (directors and inspectors), but have also been made accessible to all national education staff (teaching and administrative) *via* the national education distance learning platform, [M@gistère](#). The work is part of a wider training partnership between the two institutions that has been in place since 2014.

For a more detailed description (in French) of the training programme: [IH2EF self-training course](#).

Training for stakeholders on the ground

The PACA-Corsica regional branch was asked by the Bouches-du-Rhône department's training body for elected representatives to take part in a training course aimed at raising awareness among elected representatives of the need to combat discrimination in their local authorities. A day's training was held at the Camp des Milles, a place steeped in history, and included a tour of this Second World War internment camp. The head of the regional branch presented the legal framework on discrimination, providing elected representatives with a common base of knowledge, and a number of cases of discrimination involving local authorities were discussed. The aim of the day was to provide elected representatives with the tools they need to implement a proactive anti-discrimination policy in their area.

On 27 June, the Occitanie regional branch provided training for 80 employees and elected representatives from the region's information centres on women's and family rights (CIDFF). The aim of this training course was to enhance the legal skills of those involved in defending women who are victims of discrimination, discriminatory harassment or sexual harassment, and to strengthen their cooperation. It was also an opportunity to explain the work carried out by the Defender of Rights in this area.

In addition, at the request of the city of Marseille and following several preparatory sessions, an awareness-raising session was held on 28 May 2024 for almost 150 managers. Led by the head of the PACA-Corsica regional branch, in partnership with the city of Marseille's disability unit, the session reiterated the legal framework of non-discrimination law, presented key information and encouraged discussion around the principle of reasonable accommodation in public employment. More specifically, this session looked at the legal obligations in terms of adapting workstations for people with disabilities, thus strengthening the understanding and commitment of the participants, who in practice are very often confronted with these essential issues.

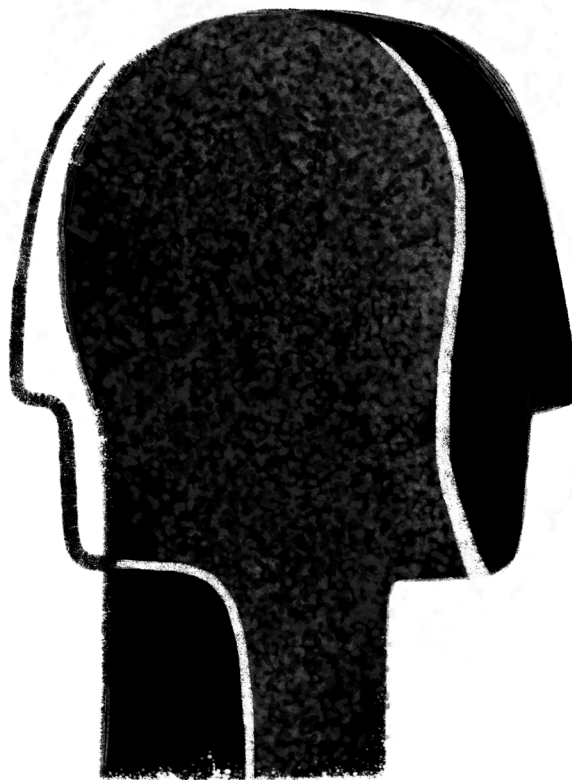
The PACA-Corse regional branch also took part in the national seminar for gender equality and anti-discrimination coordinators at the *École nationale supérieure des officiers de sapeurs-pompiers* (ENSOSP - French National Fire Officers Academy) on 24 January 2024, where it took part in a round table discussion on support for staff undergoing gender transition. This presentation provided an opportunity to go back over the recommendations made by the institution in this field in its Framework Decision no. 2020-136.

As part of its ongoing efforts to raise awareness among professional firefighters, the regional branch also took part in training for equality and diversity officers from the Bouches-du-Rhône departmental fire and rescue service (SDIS 13), presenting the institution and the legal framework for combating discrimination. There was a specific focus on gender-based and sexual violence, with the concepts of hostile work environment/workplace harassment and sexual harassment being developed.

In March 2024, *France Travail* (French employment agency) advisers for the Bourgogne-Franche-Comté region were made aware of the issues surrounding discrimination by the regional branch of the Defender of Rights. This session also provided an opportunity to present the role of the Defender of Rights in this area, and in particular the mediation mission carried out by the delegates in the region.

La Réunion Island makes a play to combat sexism

A number of awareness-raising initiatives on sexual harassment in the workplace were carried out on the island of La Réunion, in partnership with the Chancegal association and a theatre production company, in the form of a "forum theatre" in which spectators took part in the situation being played out. Actors first performed scenes featuring situations of sexual harassment in the workplace, and then replayed them a second time so that the participants could take on the role of the person being harassed. The head of the regional branch of the Defender of Rights spoke after the sketches to remind the audience of the



legal framework governing discrimination and sexual harassment. In 2024, 150 private-sector employees and civil servants took part in these awareness-raising initiatives.

This non-exhaustive overview of the activities of the Defender of Rights in 2024 in anti-discrimination provides an insight into how much of hot topic this issue is at present and the possibilities for action. And yet the public authorities are doing very little to get involved.

This situation creates high expectations and many demands on the Defender of Rights. However, its current resources do not allow it to deploy and develop its full expertise in this area and to fulfil a monitoring and advisory role on equality issues.

This situation does not seem to fully meet the European requirements set out in the directives on the standards applicable to equality bodies adopted on 7 May 2024: Member States must ensure that “*each equality body has the human, technical and financial resources it needs to carry out all its tasks and exercise all its powers effectively*” (article 4).

The fight against discrimination deserves to be taken seriously. Discrimination occurs in all spheres of social life, and has lasting and harmful effects on victims, both in their personal lives and in their social relationships. Because it aims to guarantee the conditions essential to the cohesion of society, enabling everyone to live in dignity, enjoy their rights and freedoms to the full and benefit from the same opportunities, combating discrimination must be one of priorities actions of the State.

PART 2

2024 ACTIVITIES IN OTHER AREAS OF COMPETENCE: NEW RECOMMENDATIONS ISSUED AND PROGRESS ACHIEVED

In addition to its role in anti-discrimination and promoting equality, the Defender of Rights is also involved:

- with the aim of restoring the rights and freedoms of people encountering difficulties in their dealings with a central government department (ministry, prefecture, education authority, regional health agency, etc.), a local authority (regional council, departmental council, town hall, etc.), a private body with a public service mission (CAF - family benefits office, CPAM - primary health insurance fund, CNAV - national social security pension fund, etc.), and any public service (health establishments, water and sewerage suppliers, public transport operators, etc.);
- when a claimant or a minor victim submits facts to it indicating that a child is being deprived of his or her rights or that the child's best interests have been disregarded (access to education, school meals or healthcare, violence, etc.);
- when a claimant has been the victim of a breach of ethics by a person in a security role (police officer, gendarme, prison officer, private security officer, etc.), such as a disproportionate use of force, inappropriate gestures or words, threats, an unwarranted or improper body search, a discriminatory identity check, a refusal to take a complaint, etc.;
- with the aim of directing whistleblowers to the appropriate authorities, ensuring that their rights and freedoms are respected and dealing with reports in its areas of competence (in addition to assisting the aforementioned victims).

In all these areas of competence, at the same time as action to protect rights by handling the complaints it receives, the Defender of Rights works to promote equality and access to rights (production of tools, training, publication of thematic reports, etc.) in order to influence changes in practice and behaviour. Often, there are far more structural problems that lie behind individual complaints.



Daniel Agacinski at the Defender of Rights' delegates convention.

I. THE RIGHTS OF USERS OF PUBLIC SERVICES

Foreword

Daniel Agacinski

General delegate for mediation, director of territorial action

“As a seismograph of breaches of rights, the Defender of Rights uses its findings from complaints to formulate proposals designed to prevent disputes from recurring in the future. In many cases, it is oversimplification that is at the root of the difficulties encountered by users: when a service has been entirely digitised without the necessary support being provided, when the information provided is inadequate, when inspection procedures are cursory, and so on. The risk is then that administrations concentrate on processing the mass of files, more or less automatically using algorithms, and overlook situations that may appear marginal in real terms, but which have very serious consequences for the people who go through them.”

The lesson to be learnt from these experiences is that moves to simplify public action or change it dramatically must be accompanied by a policy of attention: attention to marginal or abnormal situations, attention to vulnerable users, attention to the relational aspect of public service and the practical design of services. For an administration to focus on average indicators (delivery times, success rate, etc.) is to run the risk of becoming indifferent or even blind to the most serious cases, which nonetheless always reveal something about the way a service operates.

Alongside the challenges of efficiency, remaining focused on rights should enable us to pay constant attention to all users. It is with this in mind that the Defender of Rights, along with many other institutional mediators, has addressed public decision-makers to remind them of the fundamental importance of respecting rights, but also to formulate operational recommendations aimed at better guaranteeing the effectiveness of these rights.”

Article 4, 1°, of the *loi organique* [framework law] of 29 March 2011 states that “the Defender of Rights is responsible for defending rights and freedoms in relations with State administrations, local authorities, public establishments and any body entrusted with a public service mission”. This very broad remit covered 93% of the complaints received by the Defender of Rights in 2024.

The disputes referred to the Defender of Rights concern particularly users of public services who are deprived of rights to which they are entitled. In 2024, the institution thus acted to prevent and correct the massive effects of the digitisation of public services on access to rights (especially regarding foreign nationals applying for residence permits or their renewal) (A), to guarantee the rights of users in their dealings with social welfare organisations (B) or those responsible for issuing permits or establishing civil status and parentage (C), as well as to resolve certain situations with regard to road traffic law (D). In addition, many complaints concerned the rights of prisoners (E) and measures to remove foreign nationals (F). Given the broad range of these subjects and the issues at stake, the Defender of Rights is developing a number of partnerships, beyond the processing of complaints, in order to prevent and resolve breaches of rights and freedoms (G).

A. PROTECTING RIGHTS IN THE CONTEXT OF THE DIGITAL TRANSFORMATION OF GOVERNMENT

For many years, the Defender of Rights has been highlighting the risks associated with the digitisation of public services and their relations with users. While the ongoing digital transformation of central government may ultimately make it possible to adapt public services to changes in collective needs and the general interest, it must not be achieved at the expense of users’ rights and equal access to public services. As the Defender of Rights pointed out again in 2024 in a [report on the rights of users of public services](#), digitisation must remain an additional means of access to public services and not a substitute for counter services, postal exchanges or telephone calls, which must remain real alternatives

for contacting public administrations. Moreover, these changes in the way public administrations operate require support for users.

Speech by the Defender of Rights on the subject of unexercised rights

As part of a trip to the Auvergne-Rhône-Alpes region on 10 April 2024 to discuss the issue of unexercised rights, the Defender of Rights travelled to La Ricamarie (Loire) to attend a presentation of this area, which has been chosen to take part in the “zero unexercised rights experiment” (TZNR). The Defender of Rights addressed all the stakeholders (users, non-profit organisations and local elected representatives) on the subject of the relationship with the public service, which is central to the reasons for unexercised rights. The Defender of Rights wanted to meet the local stakeholders involved in this experiment, which is of particular importance for the institution, sometimes perceived as the last resort for users forgotten by a digitised public service that has become unresponsive and remote.

1. Public services push ahead with digitisation

A large proportion of the disputes referred to the Defender of Rights relate to breaches of users’ rights resulting from excessively rapid digitisation of public services, without sufficient human or technical resources or without maintaining alternative channels of access to procedures.

Since 2020, for example, the Defender of Rights has had to deal with an exponential rise in complaints relating to rights of foreigners, which have become the institution’s main reason for referral since 2022. While 2024 confirmed that this trend continues to increase, with more than one in three complaints received by the institution relating to the rights of foreign nationals, the Defender of Rights emphasises that a very large majority of these complaints—handled mainly by delegates, with the support of the

head office – relate to the difficulties foreign nationals encounter in applying for and especially renewing their residence permits. As already pointed out in Opinion no. 23-07, these difficulties are exacerbated, on the one hand, by legislation that tends to restrict the conditions for granting permanent residence permits (multi-annual and resident permits) and, on the other hand, by the numerous shortcomings of the ANEF platform (Digital Administration for Foreigners in France).

ANEF: a report recommending structural changes

Rolled out in 2020 with the aim of simplifying administrative procedures, the ANEF platform has established itself as the single online space for foreign nationals to apply for certain residence permits. However, since the introduction of this tool, the Defender of Rights has received a large number of complaints from people who are no longer able to complete the steps required to obtain a residence permit or to obtain a response within a reasonable time, even for a simple renewal.

The report that the Defender of Rights in 2024 issued on this new stage in the digitisation of prefectural services (“Digital administration for foreigners in France (ANEF): digitisation leads to widespread breaches of users’ rights”) shows that the tool implemented has many limitations that affect both the submission and processing of applications for permits. People who are prevented from accessing or completing a procedure due to these shortcomings may find themselves, at least temporarily, without proof of their right to residency. However, the loss of this right can lead to other breakdowns in rights, particularly economic and social rights: loss of the right to work, loss of employment, suspension of social benefits, and loss of housing or difficulties accessing healthcare.

A question for...

Benoît Rey

Legal coordinator in the “Fundamental rights of foreign nationals” division

Why was it necessary to produce a report on ANEF just a few years after its creation?

“In the summer of 2020, just before the ANEF was opened to students on an experimental basis, the Defender of Rights made recommendations aimed at guaranteeing the effectiveness of the rights of foreign nationals in the event that the decision was made to fully digitise residence permit applications. However, in four years, whilst the proportion of complaints received regarding the rights of foreign nationals has risen sharply, this is largely due to the malfunctions, limitations and, more generally, the ill-conceived design of ANEF. This has given the institution a unique position to observe the resulting breaches of fundamental rights. However, even if we intervened on a daily basis to support the foreigners affected, this would be a somewhat futile endeavour. The support services put in place by the public authorities are simply not up to the task. And prefecture staff – who are already working in very difficult conditions and are often powerless to deal with the problems encountered by users – cannot compensate for the shortcomings of the new system. We therefore believe that it is urgent for the Interior Ministry to take strong measures to guarantee users’ rights. As in its previous reports on the digitisation of public services, the Defender of Rights recommends in particular that all users should be able to carry out their procedures via non-electronic means.”

MaPrimeRénov': continuing difficulties

The effects of digitisation on protecting rights are not limited to prefectural procedures. For example, despite Decision no. 2022-199 of the Defender of Rights, the procedures for awarding *MaPrimeRénov'* grants by the French national agency for housing improvement (ANAH), and the essentially online nature of the process, are still the source of complaints to the institution. In 2024, almost 600 complaints were sent to the delegates of the Defender of Rights by households that applied for *MaPrimeRénov'* and encountered difficulties in obtaining payment of the subsidy.

Difficulties encountered with INPI's one-stop shop for business registration formalities

The Defender of Rights has had to deal with a large number of complaints relating to the one-stop shop for business registration formalities at the *Institut national de la propriété industrielle* (INPI - national institute of industrial property). Since 1 January 2023, the formalities involved in setting up a company, amending or terminating a business have been digitised and centralised online at this one-stop shop, and many claimants are now encountering difficulties in completing their formalities. Managers or their representatives report computer bugs when finalising procedures, technical problems, blockages or difficulties in transferring information from the one-stop shop to the commercial court registry. When approached for mediation, INPI responded favourably to the Defender of Rights' requests and individual solutions were found to the claimants' disputes. INPI is also committed to taking practical steps to improve the service it offers business owners on a day-to-day basis.

Furthermore, some claimants – EU nationals, from outside the EU or who do not have a *smartphone* – have also said that they are unable to use the electronic signature because they do not have access to France Connect+.

This service provides free access to an advanced electronic signature, based on a qualified certificate, and is required to complete the formalities for changes to or termination of businesses. However, access to this system is itself subject to possession of a “La Poste Digital Identity” account, developed by La Poste group, which can only be created by adult users with a French passport, a French national identity card or a residence permit valid for at least five years and possessing an *Android* smartphone or *iPhone*. People who do not meet these criteria cannot login via France Connect+ and must therefore use a paying service provider to carry out their operations.

The Defender of Rights intervened to help rectify these difficulties. For example, if you do not have a smartphone, INPI now allows you to appoint a representative, who may be just someone you know who has a smartphone, rather than a professional. Similarly, for EU citizens, who are not required to have a residence permit, as well as non-EU nationals who are legally resident in France but do not hold a ten-year residence permit, INPI has indicated that the Interministerial Digital Directorate (DINUM) has undertaken the work required to correct this matter.

More generally, now that France Connect+ is becoming a prerequisite for many online procedures, the Defender of Rights is dealing with a large number of complaints from foreign nationals who feel they have been discriminated against because of the restrictive conditions imposed on access to the service.

2. The difficulty of digital administrations adapting to specific situations

Other complaints relate to more specific difficulties, but reveal the inability of entirely paperless solutions to adapt to the specifics of individual situations. They are based on forms and automated procedures, but do not allow for direct contact with an employee to quickly rectify problems or find solutions tailored to users' needs.

"What forms do to the law" symposium, 28 November 2024

Together with the Institut d'Études et de Recherches du Droit et de la Justice, Sciences Po Paris and the Université Paris-Nanterre, the Defender of Rights hosted a symposium with the aim of demonstrating the role of forms in the day-to-day lives of users and legal practitioners. Designed to make it easier for people to make claims based on their rights, online forms are often ill-suited to the task, and their complexity contributes to people not exercising rights to which they are entitled. A priority for the Defender of Rights, the clarification of administrative language was highlighted as an effective way of making the law more accessible.

Saved by a hard copy certificate

A claim was lodged with a delegate by a claimant who was no longer receiving her pension payments, most of which consisted of the *Allocation de Solidarité aux Personnes Agées* (ASPA - solidarity allowance for the elderly), on the grounds that she had not provided her tax return form to the pension fund. However, she had not received this form because she had no Internet access or computer, and had never set up a personal account with the tax authorities. Her tax office refused to provide her with a hard copy certificate of non-taxation and asked her to wait until hard copy tax return forms were next sent out, in October 2024. This would have left her without income for six months. The delegate contacted two people: firstly, the

head of the personal income tax department, to obtain the certificate of non-taxation, and secondly, his contact at the pension fund to ensure that this document would enable payments to be resumed. Thanks to the delegate's actions, the claimant's pension payments resumed without her having to wait until October.

Automated calculation misfires

In 2022, a pensioner was notified that her housing benefit had been reduced by the fund that paid it, due to an increase in her pension. The fund had taken into account a one-off pension amount (over €2,800) in March 2022, instead of the usual €613. The pensioner contested the calculation, claiming that she had never received this amount. Despite providing a number of supporting documents, she was unable to get the calculation corrected. Given the situation, the delegate contacted the fund to clarify the amounts actually paid. These documents, obtained with difficulty in September 2023, confirmed that the sum used was incorrect. Finally, thanks to the delegate's efforts, the fund corrected the mistake in January 2024 and reimbursed the claimant. This situation highlights the risks associated with the automated calculation of certain benefits which, while it may simplify the management of cases when the information is accurate, can be difficult and sometimes take a long time to correct in the event of an error.

3. France Services: points of vigilance confirmed by the Court of Audits

As part of the digital transformation of central government, effective access for users of public services to their rights relies to a large extent on the France Services programme, which has become a key element in the relationship between users and public services.

In 2024, the Court of Audits assessed this programme and wanted to involve the Defender of Rights, which is responsible for access to public services, in the advisory group set up for this purpose.

In the report published at the end of this assessment, the Court praised the satisfaction of users of France Services and the contribution made by this programme in many areas – a point also underlined by a large number of delegates of the Defender of Rights who hold their walk-in sessions in these areas. However, it points out that its long-term survival requires greater attention to a number of key issues. It therefore recommends, on the one hand, ensuring that the funding of the programme takes into account the fact that the capacity of certain France Services centres has been exceeded, these being most often located in disadvantaged urban areas and, on the other hand, ensuring that France Services advisers have competent and available specialist coordinator contacts within the partner organisations, in order to deal with the complex cases of users.

The Defender of Rights had drawn the attention of the Court of Audits, in the advisory group, to precisely these two points. Improvements will be needed if the programme is to live up to its promise.

Co-chairing a symposium on access to rights

On 10 December 2024, the Defender of Rights co-chaired a “national symposium on access to rights” held at the Meurthe-et-Moselle departmental council. Alongside Chaynesse Khirouni, President of the Loire department, Mathieu Klein, President of the *Haut Conseil du Travail Social (HCTS - high council for social work)* and Mayor of Nancy, Nicolas Duvoux, President of the *Conseil National des politiques de Lutte contre la pauvreté et l'Exclusion sociale (CNLE - national council for policies combating poverty and social exclusion)*, Marie-Aleth Gard, President of ATD Fourth World, and Luc Carvounas, President of the *Union Nationale des Centres Communaux d'Action Sociale (UNCCAS - national union of community support centre)* and Mayor of Alfortville, the Defender of Rights took part in a day of discussions about unexercised rights. She set out all the concerns she has about the distance between users and their

rights.

Speech by the Defender of Rights to the Haute-Saône mayors' association

On 13 November 2024, the Defender of Rights travelled to Vesoul to address the Haute-Saône mayors' association, which had come together to discuss the relationship between the institution and local authorities. The meeting provided an opportunity to discuss common themes with the mayors, such as urban planning and the rights of the child.

The Defender of Rights and her delegates reiterated that the institution is first and foremost a facilitator, resolving the tensions that arise between the rights of users and the constraints of local authorities. It therefore provides support to mayors, and its delegates are useful local players in ensuring that users' rights are respected.

B. RESPECT FOR SOCIAL RIGHTS

A significant proportion of the breaches of rights and freedoms referred to the Defender of Rights concern social rights. For example, 17% of the claims submitted to the institution relate to social protection. This observation, which is not new, reflects the difficulties social welfare organisations have in fully respecting users' rights.

In addition to the recurring difficulties that users encounter in obtaining answers when they question organisations, the Defender of Rights also intervenes when organisations fail to take sufficiently precise account of users' family and personal circumstances.

In addition to the difficulties already mentioned as regards applying for and renewing residence permits, the institution is also frequently faced with problems relating to the social protection of foreign nationals.

1. Inadequate responses from social protection bodies

As noted by the Court of Audits in its annual report on the application of the Social Security Budget Act, on which the Defender of Rights was invited to comment³², the ability of certain social protection bodies to provide the service due to users has deteriorated significantly. These situations particularly concern pension organisations.

Obstacles in the way of pension funds

The Defender of Rights very frequently receives complaints from insured persons who find themselves without resources because their retirement pension has not been paid. These difficulties may, for example, result from pension funds adopting requirements that have no legal or regulatory basis. For example, the Defender of Rights contacted a pension fund in order to obtain payment of a pension that had previously been refused due to the absence of an official stamp on the printout of the banking details sent by the claimant (amicable settlement no. 2024-118).

The importance of providing appropriate information to users

In addition to shortcomings in the payment of social benefits, the Defender of Rights is also called upon in situations where claimants have not been given adequate information about their rights and the steps they need to take to benefit from them³³. Users cannot then benefit from this right or challenge a decision made by the organisations. For example, a number of claims relate to disputes regarding undue unemployment benefit paid to people who, unaware that they were eligible for a full retirement pension, wrongly remained on unemployment benefit after reaching statutory retirement age. The Defender of Rights has systematically contacted *France Travail* and the pension funds concerned to ensure that claimants do not have to bear the burden of reimbursing undue payments resulting from a lack of information provided by these bodies. These individual situations are in the

process of being resolved; debt forgiveness and a retroactive retirement pension date may be granted.

Written notification opens the way to appeal

The institution also deals with situations where users have not been formally notified of decisions by the pension funds and are therefore unable to exercise their right to appeal. For example, a delegate of the Defender of Rights was approached by a claimant who had been on phased retirement since 2020, then registered as a self-employed entrepreneur in 2021. In April 2022, she applied to move to full and final pension starting the following October, but received no written reply from her fund. It was only at the beginning of 2023 that the fund told her, by telephone, that her case had been blocked due to incompatibility between her phased retirement and her self-employed business. The delegate referred the matter to the pension fund, requesting, *at the very least*, that the insured person be formally notified of the decision so that she could appeal. The following month, the fund notified the decision and demanded reimbursement of an excess payment of almost €7,000. The claimant immediately applied to the amicable appeals board, which decided, a year later, to maintain her entitlement to the phased pension, to cancel the excess payment and finally to liquidate the final pension.

Localised obstruction due to the absence of an opinion from the medical board

Breaches of social rights can also result from localised failures. For example, in his Framework Decision no. 2024-046, the Defender of Rights noted a breach of the social protection rights of civil servants resulting from the absence of referral to the medical board or significant delays in referral by public employers. The absence of an opinion from the medical board prevented the employer from ruling on staff members' requests for invalidity, entitlement to long-term sick leave, long-term leave, service-related illness or recognition that an illness was attributable to the service.

2. Taking account of changes in users' personal and family circumstances

Entitlement to many social rights is dependant on criteria linked to the personal and family circumstances of users. The bodies responsible for allocating them must therefore be able to take account of changes in these circumstances. However, due to the difficulties – already mentioned – caused by the digital transformation of the way these bodies operate, as well as organisational difficulties and a lack of resources, social protection bodies are sometimes unable to meet these requirements.

For example, the Defender of Rights has been contacted by several recipients of the RSA (earned income support) because their resources were incorrectly taken into account.

Suspicion of RSA fraud due to failure to take separation into account

In some cases, beneficiaries have been deprived of this benefit or have been notified of undue payments, because the CAF (family benefits office) did not take their separation into account. In such disputes, the Defender of Rights obtained the payment of benefits through mediation as well as cancellation of the undue payment, the classification of fraud and the financial penalty, reiterating that application for benefits is based on the principle of declaration: in the absence of elements to the contrary provided by the CAF, there is no reason to consider a family situation as being different from that declared (amicable settlements no. 2024-037 and 2024-076). In addition, it is up to the social security body to provide factual and legal reasons for its administrative decisions to classify fraud and to establish material evidence of fraud and evidence of the intention of fraud.

Suspicion of RSA fraud after selling a few items of clothing

A case was referred to a delegate in July 2024 by a recipient of benefits living alone with her adult son who was not in work. She was inspected by the fund that pays her benefits. During this inspection, the officer noted that she had not declared income from interest on savings accounts and sales from online platforms. Without giving precise details, the officer announced that these amounts would be added to her resources in order to recalculate her entitlement to RSA and housing benefit. A few days later, she received notification that she owed the fund €3,483.13 to be repaid within 20 days, which she did not understand. She then applied for debt forgiveness, which suspended collection.

The delegate noted several shortcomings in the procedure. On the one hand, the fund's documents, like the investigation report, did not specify the exact dates or amounts of the online sales, making it impossible to dispute. In addition, an examination of the recipient's bank statements showed that the sales concerned personal items (books, knick-knacks, etc.) totalling €1,713 over two years, a far cry from the amount withheld by the fund. As a result of a cursory inspection procedure, the fund was unable to take into account the personal circumstances of the claimant, who was in a financially difficult situation and had needed to sell off some of her assets.

Thanks to the delegate's persistent representations and having re-established dialogue with the fund, the claimant finally received a detailed list of the amounts withheld and was able to request a correction. She was granted debt forgiveness for 50% of the amounts considered to be undue and was not considered to have committed fraud.

Birth allowance and unemployment benefit taken into account as working income

A dispute was referred to the Defender of Rights concerning the CAF's rejection of an application for a birth allowance on the grounds that the recipient's household income exceeded the threshold in order to be entitled to this benefit. The fund refused to take into account unemployment benefit received by one of the members of the couple in the reference year as earned income, and therefore applied the threshold for a couple with a single source of income. When the matter was subsequently referred to the courts, it agreed with the analysis of the Defender of Rights in its findings. In its ruling of 12 June 2024, it considered that the threshold applicable to couples with two incomes should be used to determine the eligibility of claimants for the birth allowance (Decision no. 2023-239).

3. Issues specific to the social protection of foreign nationals

Foreign nationals also face specific difficulties as users of social protection organisations.

Firstly, these relate to checks on the legality of residence required to access benefits, which can be complex, especially for EU nationals. As they are not required to hold a residence permit, funds must analyse each situation according to the rules on the right of residence stated in European Union law, which can lead to errors (amicable settlement no. 2024-030).

In addition, many benefits are subject not only to a condition of legal residence, but also to other conditions specific to foreign nationals (length of legal residence, entry of children via family reunification, etc.). Apart from potential conflicts with the principles of equal treatment enshrined in international law – a point that the Defender of Rights regularly underlines and which the CJEU recognised in 2024³⁴ – these other conditions may give rise to difficulties as regards their implementation, which mediation is sometimes sufficient to resolve (amicable settlements no. 2024-027, 2024-050, 2024-055).

Furthermore, given that notable shortcomings have been observed in the prefectural services responsible for examining applications for residence permits³⁵, it is not uncommon for breaches of rights suffered as a result to have repercussions on the social rights of the people concerned. For example, the Defender of Rights regularly petitions the organisations in question to have rights reinstated that have been suspended following a refusal of residence that was finally overturned by a judge, insisting on the retroactive effect of such a decision (amicable settlement no. 2024-108). It also reiterates that a brief interruption between the periods covered by two residence permits – attributable to the prefectural services – must not affect the condition of prior residence required, for example, to receive RSA (earned income support) (amicable settlement no. 2024-061).

While the Defender of Rights was able to mediate in these cases to obtain the payment of benefits wrongly denied, defending these rights calls up all of the institution's means of intervention. In addition to submitting findings to the courts, the Defender of Rights can also make recommendations, for example when it identifies a complex point of law likely to lead to recurring breaches and therefore requiring clarification. This was the case in 2024, for example, regarding the law applicable to non-EU nationals who, as family members of French or EU nationals, have a right of residence under European Union law (Decision no. 2024-196).

Difficulties arising from links between prefectures and family benefits offices (CAF)

In a rural department, a Brazilian national who had been legally resident for more than ten years contacted a delegate of the Defender of Rights because her family benefits had been suspended following a four-month period during which she was without an acknowledge of her application to renew her residence permit. She had nonetheless applied to renew her residence permit within the allocated deadline. The delegate spoke to several people at the prefecture on numerous occasions, without managing to obtain a reply. When the

matter was referred to the office responsible for family benefits, it considered re-examining the case, but did not provide a substantive response. It was not until more than six months after the initial contact that the immigration office at the prefecture confirmed by email, to the claimant, the fund and the delegate, that the claimant's residence could not be deemed unlawful by the absence of an acknowledgement of her renewal application. However, the departmental benefits office did not restore the rights of the interested party and so the case was taken up by the services of the Defender of Rights' head office in order to bring the action to a successful conclusion.

C. OBSTACLES TO RIGHTS RELATING TO TITLES, CIVIL STATUS AND PARENTAGE

At a time when situations relating to private and family life are changing, public service users are still faced with administrative practices that can be rigid, excessive demands, misinterpretations of the law and even legislative loopholes, all of which are likely to infringe their rights, lead to discrimination and make them more vulnerable. The Defender of Rights plays a key role in protecting these rights by exercising its various powers of intervention.

Same-sex couple: full adoption of spouse's child

A case was referred to the institution by a female couple seeking full adoption of the spouse's child. The public prosecutor asked them to provide documents relating to the use of assisted reproductive technology (ART) and, failing that, their explanations of the conditions under which the child was conceived. The child's mother denied having undergone ART, but did not provide any information about the conception. The public prosecutor's office forwarded the request to the family court judge (JAF), and issued an unfavourable opinion on full adoption. In her Decision no. 2024-107 submitting findings to the family court judge, the Defender of Rights emphasised that the case did not fall within the jurisdiction of the family court judge, but

within that of the judicial court – with a panel of several judges – ruling in adoption matters. It also noted that proof of the use of ART did not have to be provided and that requests for documents by the public prosecutor's office were likely to infringe on the private and family life of the interested parties and to constitute discrimination. Lastly, she reiterated that applications for full adoption must be assessed in the light of the child's best interests. In a ruling dated 26 August 2024, the court upheld the claimants' application.

Two birth certificates for the same person

The Defender of Rights was informed of the situation of a claimant who wanted to be able to use her birth name again, but whose application for a change of name was blocked due to the irregularity of her civil status. The claimant, born in 1963 on the island of La Réunion, had been declared a ward of the State and placed in a home on La Réunion and then in a home in La Creuse. In 1969, the court granted a couple living in Creuse full adoption of the claimant. A new birth certificate was then recorded in the civil status registers of the child's place of birth, on the island of La Réunion. However, a birth certificate had also been drawn up and registered in the records of La Creuse, stating that the child had been born in that municipality. The Defender of Rights contacted the public prosecutor with a view to cancelling the birth certificate registered in metropolitan France. The public prosecutor referred the case to the court, which annulled the disputed birth certificate. The Office of the Defender of Rights contacted the Ministry of Justice, which agreed, following the ruling, to resume the change of name application quickly (amicable settlement no. 2024-029).

Procedures for renewing a family power of attorney

The Defender of Rights reached an amicable settlement (no. 2024-092) concerning the difficulties encountered by a claimant in requesting the renewal of a family power of attorney (which allows a close relative to represent or assist a person to safeguard his/her interests), due to a lack of information on the procedures for renewing such a measure. The institution made representations to the relevant services, which indicated that the family power of attorney rulings now mention the terms and conditions for renewing the measure. The Defender of Rights also contacted the legal and administrative information department (DILA) to ensure that the *service-public.fr* website includes a section dedicated to renewing the measure and an appropriate CERFA document. The authorities responded favourably to the request, by updating the page on the website and including family power of attorney in the CERFA document and in the instructions.

Passport: excessive fingerprinting

The Defender of Rights issued a reminder of the law (no. 2024-024) concerning a town hall's refusal to register a passport application on the grounds that the claimant objected to fingerprints being taken from eight of her fingers, instead of from her two index fingers. It reminded the town hall of the provisions applicable to taking fingerprints when applying for a passport, emphasizing that it is only when it is impossible to take the fingerprints of both index fingers that it is permitted to take fingerprints of the other fingers. Following this reminder of the law, the town hall indicated that it would change its procedure for collecting fingerprints as part of a passport application to comply with the law. The Ministry of the Interior has also been informed of the representations of the Defender of Rights.

Death certificate: appropriate changes to terminology

The Defender of Rights made representations to the Directorate of Legal Affairs (DAJ) of the Ministry of Health with a view to modifying the two models of death certificate used by doctors. Following its representations, two new models were published. In its Decision no. 2024-180, the Defender of Rights noted the removal of the terms “maiden name”, now replaced by “customary name”, and adaptation of the infant death certificate model to same-sex families by mentioning only information relating to the mother and no longer, as before, the father and mother. It also made a number of recommendations, including that the doctor's name should no longer be preceded only by the title “Mr”.

D. PROBLEMS ENCOUNTERED BY USERS WITH THEIR DRIVING LICENCE

The Defender of Rights is regularly contacted by claimants who encounter difficulties in accessing their driving licence, with the management of endorsements on their licence by the services of the Delegation for Road Safety (DSR) and regarding very long delays sometimes involved in obtaining the corrections to which they are entitled.

A case was referred to the institution by a candidate who had opted for the anticipated learner driver scheme and who had been prevented from sitting the driving test for failing to produce his learner driver record on the day of the test, even though the test notification did not mention that this would be required. Following the intervention of the Defender of Rights (Decision no. 2024-043), the DSR altered the driving test date notification, which now stipulate this requirement.

The institution also received complaints about the time and procedures for processing applications for international driving licences. It noted the measures adopted and planned by the Ministry of the Interior to improve these times and made recommendations on the procedures for processing applications (Decision [2024-120](#)).

The Defender of Rights was contacted by a claimant because she had been disqualified from driving due to having no points left on her driving licence, even though she had completed a points recovery course before being notified of the decision to ban her from driving. Following the institution's representations, the claimant's situation was carefully examined by the relevant departments. The points recovered through attending the training course were confirmed, enabling her to regain her driving licence (Decision no. [2024-132](#)).

Finally, the institution had to deal with the situation of a claimant who had encountered difficulties in getting points restored on his driving licence related to an offence for which he had been acquitted. As a result of the administration's failure to correct his situation, the claimant was forced to take another driving test. In Decision no. [2024-171](#), the Defender of Rights recommended that the DSR take all necessary measures to improve the response and processing times for users' requests to have their points restored, especially those following an acquittal, to improve the information provided to users who have obtained a new driving licence regarding the procedures for switching back to the original licence should it be subsequently revalidated, and to provide a specific tab for requests to switch back to the original driving licence on its website recours.permisdeconduire.gouv.fr. Following its representations, the claimant's situation was carefully examined by DSR services, which resolved the problem identified, without however undertaking any more structural measures at this stage.

E. THE RIGHTS OF PRISONERS

The Defender of Rights ensures that the rights of prisoners are respected. It has therefore noted a very sharp increase in the number of requests received from prisoners, both *via* the dedicated helpline (which became free in 2023) number (3141) – the institution recorded 16,097 calls in 2024, compared with 8,130 in 2023³⁶ – and *via* referrals to the delegates, present in each prison, and to headquarters.

Through these appeals and complaints, the Defender of Rights notes that all the rights of prisoners are suffering not only from the consequences of prison overcrowding – which is reaching new heights every month, with 80,792 people imprisoned on 1 December 2024, up by 6.8% on the previous year – but also from a lack of human and material resources and inappropriate penal policies.

Prisoners report that their day-to-day lives are becoming increasingly difficult and that their rights are being breached on a massive scale, as reflected by the numerous complaints and representations of the Defender of Rights in a wide range of areas, including, for example, to enable family ties to be maintained, a fundamental right guaranteed by Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (amicable settlement no. [2024-052](#)), or to remind the prison administration of its obligation to respect judges' rulings when authorising leave from prison to attend the funerals of loved ones (Decision no. [2024-016](#)). It is also frequently involved in health issues, a major problem in prisons.

Prisoners suffer from a wide range of health issues (addiction, psychiatric disorders, infectious and chronic diseases, etc.), which are often exacerbated by imprisonment. However, access to care in prison health units is inadequate, in particular due to working hours that are ill-suited to the overcrowding of prisons and chronic understaffing, especially in certain specialties such as dental surgery (Decision no. [2024-201](#)), psychiatry and radiology (amicable settlements no. [2024-036](#) and [2024-072](#)). Furthermore, difficulties in



Visit by the Defender of Rights and her teams to the Fleury-Mérogis prison.

accessing medical information (amicable settlement no. 2024-021) and obstacles linked to granting leave for medical treatment exacerbate delays and often result in patients foregoing treatment (amicable settlement no. 2024-017).

Faced with the scale of the difficulties and breaches of the rights of prisoners, and in addition to the presence of the Defender of Rights' delegates in all prisons, in 2024 the Defender of Rights set out to help prisoners learn more about their rights and ensure that they are respected, by publishing a collection of factsheets. It has also invested in the initial training of prison staff at the *École Nationale d'Administration Pénitentiaire* (ENAP - National prison administration school) to raise awareness of the need to protect the rights of prisoners.

1. The presence of Defender of Rights' delegates in prisons

In accordance with article 37 of the *loi organique* [framework law] of 29 March 2011, 160 delegates hold duty sessions in prison administration establishments, to make the institution accessible to prisoners.

Throughout 2024, the Defender of Rights pursued its objective of reaching out to those most remote from the law by increasing his presence in all 187 prisons in France³⁷. The institution has also become systematically involved with release support structures, as well as specially equipped hospital units (UHSA) and inter-regional secure hospital units (UHSI).

9,270 requests were received by delegates in 2024, compared with 8,243 in 2023, an increase of 12.5%.

Aside from these figures, all of those involved in the prison system recognise now the unique role played by the delegates. As facilitators, they work with the various services to improve access to care or ensure a visitor's permit is issued, to retrieve the personal belongings of prisoners, to understand the reasons for delaying a transfer, to correct an error in the management of a prisoner record or to help

with procedures with external public services. And their role goes even further, enabling prisoners to be listened to and understood by an outside third party.

The delegate is the practical embodiment of the Defender of Rights' presence in prisons, enabling it to hold discussions with prisoners within the detention facility, i.e. in the standard section, in solitary confinement or the disciplinary unit, or even in a cell. This presence also enables them to supplement written exchanges with the various administrations and with the institution's head office effectively, by building a relationship within the prison. It is the strength of their mission to work repeatedly, week after week, within the same prison.

A question for...

Ariane Weben

Delegate for the Calvados department

How is the presence of the delegates organised in prisons?

"I work at the Ifs prison two or three times a month. I am either contacted via the 3141 helpline or through written requests, which are passed on to me by the mail room of the prison in a dedicated letterbox. Written requests are made on the Defender of Rights' leaflets distributed to each prisoner or on plain paper. I prepare for my visits by sending the section heads in the various buildings my list of people to meet, which generally contains six to ten prisoners per duty session. Meetings takes place in each prison building, including solitary confinement and the disciplinary unit, where there is an office available for me to use.

The prisoners arrive one by one, and I meet with them individually, ensuring that our discussions are confidential. The door is not locked and I have a personal alarm. I've only been in two situations where there was verbal and/or non-verbal violence that

made me uncomfortable, but it was never directed at me. Prisoners are generally very appreciative of the attention given to them and the results achieved, if any. I'm also careful to maintain good relations with the guards, who now give recognition both to me personally and to the job I do. I deal with cases within a week by writing to the prison integration and probation officer (CPIP) responsible for the prisoner, the prison management or an outside organisation. Management generally replies to me within a few days. I always receive a response and, in many cases, a satisfactory outcome is obtained. If this is not the case, I am able – with the information I am given – to explain the decision or the situation that led to the complaint to the prisoner. I give feedback to the prisoner on answers or lack of answers obtained (for example, from the prefecture for foreign prisoners). This way, I am able to demonstrate the importance of the Defender of Rights' in the prison system, which seems to me to be both a good means of accessing the law and a factor in easing tensions."

A stronger institutional presence at Mayotte prison

Two delegates have been working within the Majicavo prison in Mamoudzou since September 2023.

Prison overcrowding, which affects both the remand prisoner section and the detention section, makes it difficult to access activities and training, reduces physical exercise time and consequently increases the time spent confined in overcrowded cells with mattresses on the floor. Prisoners also suffer from shortages of basic food supplies in canteen provisions.

A large number of referrals concern the administrative situation of prisoners, whether of French or foreign origin, since town hall or prefecture officials no longer go to the prison centre to carry out the necessary formalities.

An example of action taken on behalf of a prisoner: retention of computer data following a change of prison

In August 2024, a prisoner was transferred to a new prison. On arrival, his computer, which he was using to continue his studies, was seized for inspection. It was held for four months, well beyond the statutory one-month period. Management demanded that the prisoner change the hard drive at his own expense, which would have resulted in the loss of his files. Given his situation, he sought help from a Defender of Rights' delegate. The delegate made representations to management, requesting that the contents of the computer be checked quickly and, if necessary, that documents be backed up before any changes were made. Initially, management invoked the 2009 circular which governs the national framework for the use of IT in a prison setting. However, following the delegate's representation, the local IT correspondent backed up the data, formatted the hard disk and then restored the files. The computer was finally returned to the prisoner on 12 November.

2. Publication of a collection of factsheets: "Enforcing my rights in prison"

Written in clear, accessible language, this collection of 52 factsheets, published in November 2024 and made available in all prison libraries, is designed to explain to prisoners what the law provides and how the Defender of Rights can act on their behalf.

When this collection was published, the Defender of Rights also notified the public authorities by sending them a communication calling for urgent measures to be adopted to respect the dignity of prisoners, guarantee their access to public services and ensure that the needs of particularly vulnerable prisoners are taken into account (people living in poverty, foreign nationals, people with disabilities, the elderly, women, minors and transgender people). These measures are all the more urgent given that prison overcrowding is worsening – reaching unprecedented levels by 2024 – which increases the number of breaches of dignity.

A question for...

Judith Vailhé

Head of the "Justice and Freedoms" division

How can this collection help prisoners learn more about their rights? How was it designed?

"We started from the observation that prison law is very difficult to get to grips with. Unless you are a legal expert, the rules are complex and the language used is technical. We also asked ourselves what prisoners might need. This led to the idea of a collection based on the practical, day-to-day situations experienced by prisoners and of which the Defender of Rights is aware through complaints, feedback from delegates and now also calls to the 3141 helpline.

Insofar as we chose to start from what the prisoners needed, it made complete sense to address them directly, giving them information and sometimes answers to their questions. Our aim is to give them a better understanding of their situation in prison and enable them to play a more active role in their life whilst there.

We've opted for a direct style, written in straightforward language, providing as complete information as possible. We wanted to provide clear answers and initial guidance for every practical question a prisoner might have while in custody ("I can't see my family in the visiting room", "I'm being searched", "I'm up before a disciplinary committee", "I have a relative who has died and I want to attend the funeral", "I need specialist care" and so on). The collection is therefore designed in the form of factsheets, each with a section entitled "What the law says" and "How to contact the Defender of Rights". Examples of situations similar to those that a prisoner may experience are also sometimes mentioned in order to make it clearer how the Defender of Rights might intervene in a given case.

The aim is for prisoners to familiarise themselves with this collection and understand their rights, as well as certain obligations imposed on them due to their imprisonment (seeing their family, getting married, voting, dealing with administrative formalities, etc. often require a different organisation to that which exists outside prison). However, it is above all important for us that prisoners understand that being incarcerated does not deprive them of their fundamental rights and that there is a framework and rules, to ensure that they are respected.”

A prison visit to present the guide

On 7 November 2024, the Defender of Rights visited the Fleury-Mérogis prison to present this guide. During her visit, Claire Hédon met with prisoners taking a diploma course to become library assistants. The day ended with a visit to the juvenile offenders’ section, accompanied by staff from the judicial protection of young people and the national education authorities.

3. Increased involvement at ENAP (École Nationale de l'Administration Pénitentiaire - national prison administration school)

Prompted by work carried out by a trainer from ENAP, on a module dealing with the “handling of requests and appeals concerning prisoners”, a meeting was organised by the Nouvelle-Aquitaine regional branch of the Defender of Rights, with the training director and the head of the school’s “law and public service” department. Discussions showed that there was a desire to strengthen the existing partnership and to offer a wider range of training and awareness-raising courses for prison governors and probation service directors, probation staff, officers and students on the Master 2 “Enforcement of sentences and human rights law” (Agen). In September 2024, this commitment took concrete form with the first contribution of the Defender of Rights to initial training at ENAP. An agreement to formalise this contribution is currently being prepared.

F. RESPECT FOR THE RIGHTS OF FOREIGN NATIONALS: INCREASED VIGILANCE IN THE CONTEXT OF WEAKENING RIGHTS

At the beginning of 2024, Law no. 2024-42 on controlling immigration and improving integration³⁸ came into force, about which the Defender of Rights had expressed major reservations (Opinions nos. 23-02 and 23-07). Following on from its opinions issued in 2023, the Defender of Rights devoted its first decision of 2024 to findings submitted to Constitutional Council, in which it considers that several provisions of the law adopted by Parliament on 19 December 2023 were likely to breach rights and freedoms recognised by the Constitution (Decision no. 2024-001).

In 2024, the institution continued to make urgent representations to ensure that the rights of foreign nationals held in detention centres were respected, and on several occasions it also made unprecedented legal submissions to the courts on deportation cases.

The Defender of Rights also had the opportunity to rule, as part of an appeal for annulment of a visa refusal, on the long-term application of some of the new provisions adopted, reiterating the principle of the non-immediate application of laws relating to the execution and enforcement of sentences when they result in a more severe sentence than the one handed down by the sentencing decision (Decision no. 2024-190). In the case in question, it concluded that – in application of this principle – the new provisions relating to the rules for calculating the start date for enforcing a legal ban from the French territory could only be applied to convictions handed down for offences committed after their entry into force. The administrative tribunal agreed with this analysis.

1. Enforcing procedural guarantees for people awaiting deportation

Among the provisions that came into force, the Defender of Rights expressed strong reservations about those that reduced the procedural guarantees for foreign nationals held in detention centres, in particular the increasingly common relocation of hearings for foreign nationals, and the postponement of the first review of the detention measure by the judge. The institution regularly receives complaints from people held in detention centres alleging that their procedural rights are being breached.

These complaints are particularly recurrent in Mayotte, where exceptional rules apply to the right of appeal. Whilst this French department is by far the one with the highest number of deported foreign nationals, the administrative tribunal regularly finds that deportations are carried out in breach of a suspensive appeal. In most cases, it orders the prefecture to organise the return of the person to France. To prevent such deportations, which are detrimental to the people concerned but also costly for the authorities, the Defender of Rights can make representations to the prefecture to flag that there is a risk of illegal deportation before it is enacted. This was the case for three young adults who had been ordered to leave the French territory and whose deportation proceedings appeared to be continuing despite the suspensive appeals they had lodged. In these cases, the prefecture suspended enforcement of the deportations and eventually withdrew one of the orders to leave the country, while the other two were suspended by the urgent applications judge (amicable settlement no. 2024-116).

In France, at the beginning of 2024, the Defender of Rights made representations to a prefecture to report the case of a person who had just been escorted to the airport for imminent deportation, even though the European Court of Human Rights had ruled that the order be suspended. Following this representation, the person was returned to the detention centre (amicable settlement no. 2024-114).

2. Guaranteeing foreign nationals' right to privacy

2024 also saw the entry into force of a number of provisions lifting protection provided by law as regards matters of deportation, whether this is protection against the issuing of orders to leave the country for people who do not meet the conditions for a right of residence in France, or protection against the issuing of deportation orders for people considered to be a serious threat to public order.

In her opinions on the bill (Opinions nos. 23-02 and 23-07), the Defender of Rights expressed her concern about such a removal of legal safeguards, confirming the transition from a general and objective protection system to one entirely left to the administration's case-by-case assessment of individual situations.

In this context, it has presented findings to the courts, particularly in relation to deportations, in cases where a combination of objective and tangible factors made it possible to identify the existence of a heightened risk of rights being breached. This was the case, for example, with the deportation order issued against an Algerian woman, born in France and who left for Syria with her family when she was a minor.

The Defender of Rights emphasised that the deportation order had been issued despite, on the one hand, the absence of any criminal conviction for the acts in question and, on the other hand, the deportation commission having ruled against her deportation (Decision no. 2024-063). This was also the case with the deportation order issued – under the previous law – against a Chinese woman who had been convicted, even though she was protected against deportation under the law and, once again, the deportation commission had ruled against her deportation (Decision no. 2024-135). In both cases, the administrative tribunal annulled the deportation orders.

G. PROMOTING MEDIATION TO GUARANTEE USERS' RIGHTS

In addition to dealing with complaints, the Defender of Rights is working to ensure that all those involved in public service relations are fully aware of the issues involved in respecting users' rights, and pay constant attention to situations that may result in breaches of these rights. This objective presupposes establishing numerous partnerships, at both national and local level, with public officials, whether they are in central government, local elected representatives, or the mediators of the various institutions, who also have a role to play in this area.

1. Recommendations for strengthening mediation

When the Mediator of the French Republic was created in 1973, the legislator stipulated that the authority responsible for receiving complaints from users of public services should not only try to resolve them amicably, but also make proposals aimed at changing laws and practices so that the difficulties encountered do not recur.

It is in this spirit that the Defender of Rights, which has taken over the remit of the Mediator of the French Republic, has approached all the institutional mediators in charge of relations between administrations and users (in ministries, social protection organisations, local authorities and some large state-owned companies), in order to pool the general recommendations made by each of them to ensure better respect for users' rights.

These proposals are included in the report "Rights of users of public services: from mediation to reform proposals", published by the Defender of Rights in June 2024.

After identifying the rights afforded to users of public services (the right to be informed, the right to make mistakes, the right to an effective remedy, the right to equal access and treatment, etc.), this report looks at practical ways of making them more effective. Some of the proposals go beyond protecting existing rights, recognising new rights adapted to changes in society. Several areas

are concerned: the role of digital technology in accessing public services, but also the algorithm-based processing of user data by administrations, the participation of users in the development and evaluation of policies, and adapting the law to new family structures.

Public policy-makers are invited to examine and use this report to draw on the experience of mediation practitioners in their own areas of expertise, in order to improve respect for users' rights in their dealings with public services. In particular, the Defender of Rights and the general delegate for mediation urged all mediators responsible for user-administration relations, who were invited to a meeting on 11 September 2024, to take an active part in regional networks in areas where they are not yet fully structured.

2. Networks of institutional mediators organised at regional level

There are very dynamic ties between mediators in different regions. Set up in 2014, the steering committee of institutional mediators in Hauts-de-France features representatives from the Defender of Rights, the *Caisse d'Assurance Retraite et de la Santé Au Travail* (CARSAT - Pension Insurance and Workplace Health Fund), the CPAM, the CAF, the *Mutualité Sociale Agricole* (MSA - Agricultural Social Mutual Fund), the *Union de Recouvrement des Cotisations de Sécurité Sociale et d'Allocations Familiales* (URSSAF - Offices for the Collection of Social Security and Family Benefit Contributions), and *France Travail* (French employment agency), with the aim of creating a network of trust between local mediators to facilitate exchanges and make the mediation process more effective.

To mark the tenth anniversary of the creation of this regional committee, a symposium was organised on 4 April 2024 on the future of institutional mediation, looking ahead to 2030. The event, sponsored by the *Conseil National de la Médiation* (National Council for Mediation), was attended by over 500 people, including students and legal professionals (judges, lawyers, European, national and local mediators and Defender of Rights delegates). Discussions during the day centred on four round tables devoted, on the one hand, to

comparing amicable dispute settlement processes and, on the other, looking to what the future holds for institutional mediation.

This multi-stakeholder committee now serves as a template for the deployment of mediator networks at regional level. Some have been operating as part of a network for many years, such as in Brittany.

With this in mind, the regional branch of the Defender of Rights in the Sud – Provence-Alpes-Côte d'Azur region is contributing, alongside the regional mediator of France Travail, mediators from the CAF and the CPAM of Bouches-du-Rhône and the mediator of the city of Marseille, to operating an equivalent network.

This same movement to bring together mediation stakeholders also continues in Corsica, driven by the Defender of Rights. Prompted by the coordinating delegate, the annual meeting of the mediators of Corse-du-Sud was held in May 2024, bringing together the mediation coordinators from

the organisations entrusted with a public service mission, i.e. some fifteen participants. The aim was twofold: to come up with ideas for improving the way in which situations are handled, while at the same time enlightening participants about each other's practices. Much more than an ordinary working meeting, this annual gathering is an opportunity to consolidate inter-institutional relations, in a spirit of collaboration and shared efficiency.

A network of this kind is also being set up in the Occitanie region, where social mediators and the Defender of Rights met on 17 September in Narbonne. They restated their desire to create a network within the region for institutional mediation (ROMI – *Réseau Occitan de la Médiation Institutionnelle*) to give greater recognition to the participants and work together in the interests of users and institutions. This network will provide an opportunity to discuss the core aspects of mediation, developments and practices, and to promote mediation and spread its culture within institutions and in the regions.



Éric Delemar at the Defender of Rights' delegates convention.

II. THE BEST INTERESTS AND RIGHTS OF THE CHILD

Foreword

Éric Delemar

Ombudsperson for Children's Rights -
Deputy to the Defender of Rights in charge
of the defence and promotion of children's
rights

"2024 marked a century of struggle and significant advances for the rights of the child. By adopting the Geneva Declaration in 1924, the international community set an historic milestone by affirming that humanity should give children the best it has to offer.

The foundations were laid for an international movement to defend children's rights, an unprecedented commitment to improving the living conditions and well-being of children around the world.

The people responsible for drawing up this declaration, greatly inspired by the work of Janusz KORCZAK, were convinced that it was humanity's duty to protect children from war, to do everything possible to combat child poverty, and to protect them from all forms of violence.

A desire for a change of model and culture was emerging: education for all through non-violence. Protecting children from all forms of violence committed by adults, but also by children themselves, has become a challenge for democracies and a key challenge for civilisation.

This was the first time that specific rights of children had been recognised internationally. The foundations laid by the Geneva Declaration were built upon by the 1959 International Declaration of the Rights of the Child, which enshrined the principle of the best interests of the child. On 20 November 1989, this principle became binding on signatory states through the International Convention on the Rights of the Child (CRC).

From that point onwards, children were entitled to all human rights, from birth.

Now, 100 years after the adoption of the Geneva Declaration and 35 years after the adoption of the CRC, we are once again faced with the risk of regression in the area of the rights of the child and child protection.

Global crises, various forms of violence and conflict, the omnipresence of the digital world, growing social inequalities against a backdrop of increasing poverty and environmental degradation, all place a heavy burden on children.

“The world is not doing very well, with many crises, and children are paying a very heavy price,” commented Najat Maalla M'jid, the UN's envoy to the Bogota world conference on combating violence against children, in November 2024.

The COVID-19 pandemic has also exacerbated existing injustices and plunged many children into precarious situations. Added to this is the increasingly widespread discourse calling into question human rights in general and children's rights in particular.

Through its actions throughout the nation, both in mainland France and overseas territories, the Defender of Rights works on a daily basis to defend and promote the fundamental rights of children, with the unshakeable conviction that social progress always starts with better conditions for the protection and education of children, as a source of emancipation for all children.”

As in previous years, the institution's work regularly highlights an imbalance between the rights enshrined in laws and regulations or in national action plans, and the rights actually afforded to each child. This work also confirms the imperative need for a comprehensive understanding of each child's situation and for greater coordination between the various stakeholders, each of whom contributes in their own way to the child's development. This year, the Defender of Rights focused in particular on the issues of the right to education and the right to protection.

A. THE RIGHT TO EDUCATION

Education is a fundamental right guaranteed to every child “in order to enable him or her to develop his or her personality, raise his or her level of initial and continuing training, integrate into social and professional life and exercise his or her citizenship” (Article L. 111-1 of the French Education Code). However, there are still challenges to its effective implementation, requiring particular vigilance on the part of the Defender of Rights. Among the major issues are the inclusion of pupils with disabilities in school, access to canteen meals for all children, the problem of “high school age students without a high school” and the specific framework of family education.

1. Inclusive education for pupils with disabilities

The inclusion of pupils with disabilities remains a major challenge in terms of the right to education. In France, the laws of 11 February 2005³⁹ and 8 July 2013⁴⁰ have strengthened the rights of pupils to an education adapted to their needs, requiring schools to be accessible and inclusive for all. Progress has been made in recent years. In her opinion no. 24-03, the Defender of Rights welcomed the bill, which has since been adopted, aimed at making the State responsible for providing appropriate human support of pupils with disabilities during lunchtime. However, she regretted that the text did not go further (by extending the State's financial responsibility to all extracurricular activities).

More generally, the Defender of Rights notes that there are still considerable difficulties in accessing the right to education for children with disabilities.

The reality of support hours for pupils with disabilities

In almost all French departments, the Defender of Rights' delegates are frequently approached by parents whose disabled children have received a notification from the departmental disabled people's centre indicating they will be provided with human support during all or part of school time, but who end up receiving only partial support, for example for a few mornings, or even no support at all. These situations are highly prejudicial to the learning of these children, who find themselves largely excluded from school.

When the matter is referred to them, the delegates make representations to the school inspectorate to request the recruitment of a carer (AESH) who is available for the entire school day. While some of these disputes result in successful mediation, the difficulties in recruiting and attracting staff to the profession mean that too many children are deprived of the support to which they are entitled.

Refusal to admit a child with multiple disabilities

The Defender of Rights received a complaint concerning the refusal to admit a child with multiple disabilities (visual and motor disorders) by two schools, one specialising in motor disorders and the other in visual disorders, even though they had been designated by the Commission for the Rights and Autonomy of People with Disabilities (CDAPH) following an assessment of the child's needs. In two decisions on legal findings (decisions no. 2023-044 and 2023-045), the Defender of Rights drew the attention of the administrative tribunal to the lack of an existing structure specialising in the care of children with multiple disabilities and reminded the establishments designated by the CDAPH of their obligation to do everything in their power to ensure appropriate consideration of the needs of the child concerned in order to avoid any period of loss of schooling. In rulings handed down on 3 and 4 July 2024, the administrative tribunals annulled these two refusals of admission, in line with the findings of the Defender of Rights.

School transport for pupils and students with disabilities

The Defender of Rights submitted findings to the administrative tribunal on the legality of a new departmental regulation on school transport for pupils and students with disabilities, which added restrictive conditions not provided for by law (in particular those relating to the school location, the duration of schooling and the distance between home and the school). In its Decision no. 2024-112, the Defender of Rights reiterated the applicable legal framework, and in particular the right to education, without discrimination. In an order dated 26 July 2024, the administrative tribunal concurred with terms of these findings, ordering the suspension of part of the provisions of the regulation, insofar as they could create a breach of equality.

2. Access to school meals

In one region, a delegate received a letter from a mother who had been told by the town hall that her child had been excluded from the school canteen for misbehaving. The letter, sent without acknowledgement of receipt or tracking, was received 17 days before the exclusion, just before the start of two weeks of school holidays. Despite a number of communications between the family and the town hall, the penalty was maintained.

Four days before its application, the mother referred the matter to a delegate, who contacted the town hall immediately. He reminded the mayor that sanctions must be proportionate, stipulated in the school's internal rules and comply with the adversarial procedure. The views of the parents had to be heard, and as far as possible, of the child as well, as per the International Convention on the Rights of the Child. On this basis, he requested a review of the decision.

Two days later, the mayor informed the mother that the exclusion had been cancelled and that the child could return to the canteen. The municipality also proceeded to amend the rules for school meals, ensuring the adversarial procedure in future was observed in future and to hear the views of the child whenever possible.

3. “High school age students without a high school”

Noting that many pupils were experiencing difficulties in being assigned to a high school at the start of the new school year, the Defender of Rights took up the situation *ex officio* in 2022. In a decision dated 6 July 2023 (no. [2023-153](#)), it drew attention to the number of pupils without a place at the start of each school year, i.e. almost 18,000 pupils at the start of the 2022 school year and 27,000 at 30 August 2023. As a result, it was recommended that the Ministry of Education and Youth take a series of measures to enable the pupils concerned to be assigned places, welcomed and supported during the summer period and at the start of the new school year, by providing the necessary financial, material and human resources in all the general, technological and vocational streams.

In 2024, the Ministry found that nearly 27,000 pupils were still without a place on 31 August, three days before the start of the new school year, due to a lack of places in middle and high schools (*collèges* and *lycées*). On 12 September 2024, 13,831 pupils were still waiting for a secondary school place, including 11,707 high school students. This situation, which mainly affects vocational high schools, encourages students to drop out of school, undermines the principles of equality for all in accessing the public education service and the adaptability of the public service, as well as the best interests of the children concerned. The Defender of Rights remains vigilant and continues to investigate the situation of students with the Ministry.

4. Home schooling

Following on from her opinion no. [21-01](#) on the bill to strengthen respect for the principles of the Republic, the Defender of Rights was again informed in 2024 of difficulties encountered in processing home schooling authorisation requests.

In a reminder sent to the directorate general of school education at the Ministry of National Education and Youth (reminder of Law no. [2024-006](#)), it pointed out the disparity between the practices of education authorities in terms of how applications were examined, with some requiring, for example, proof that the child was unable to attend school. The Defender of Rights reiterated that it is above all the interests of the child, assessed on a case-by-case basis, that must guide the assessment of applications submitted by families.

In its reply of 27 May 2024, the Ministry indicated that it regularly organises seminars and webinars for academic departments in order to harmonise the processing of applications. However, following this reminder of the law, the institution once again received complaints suggesting that difficulties persisted. As a result, the Defender of Rights remains vigilant about the situation of these families.

B. CHILD PROTECTION

Child protection is a major issue that many stakeholders have taken up in recent years. The Defender of Rights and her deputy, the Ombudsperson for Children's Rights, have been interviewed on several occasions on this matter:

- On 12 June 2024, by the Interministerial Mission on the concerted care of children under protection, in complex situations or in great difficulty;
- On 19 June 2024, by the Economic, Social and Environmental Council on child protection;
- On 7 October 2024, by the Court of Audits as part of its investigation into the “Young adult contracts” (*Contrats jeunes majeurs*) scheme;
- On 12 November 2024, by the National Assembly's Inquiry Committee into the failings of child protection policies.

The Defender of Rights' Joint Committee on Child Protection, which met twice in 2024, also provided an opportunity for regular discussions with stakeholders from non-profit organisations.

The declaration of the European Network of Ombudspersons for Children

The European Network of Ombudspersons for Children (ENOC) adopted a declaration on “Protecting and promoting the rights of children in alternative care” at its 28th General Assembly on 20 September 2024.

The main aim of this declaration was to strengthen advocacy for the rights of children in care and to improve the quality of alternative placements. It is a question of making the child’s best interests central to all decisions concerning his or her placement and to ensure that every child in care benefits from a safe, stable and stimulating environment. To achieve this, ENOC made a number of key recommendations:

- Increase involvement of the child: it is essential to ensure that children are able to express their views and participate in decision-making related to their lives.
- Support efforts to keep children with their families: where it is in the best interests of the child, efforts must be stepped up to support families (financial, psychological, parenting support, etc.).
- Ensure quality alternative care: placements must be tailored to the individual needs of each child and meet high quality standards.
- Strengthen the inspection and monitoring of alternative care: rigorous monitoring mechanisms must be put in place to ensure that the rights of the child in care are respected.

This declaration is directed at central governments and international organisations and calls on them to implement international standards by ensuring that the rights of children in care are fully respected, in accordance with international conventions and UN directives.

Child protection continues to account for a significant proportion of referrals to the institution relating to the defence of children’s rights. In 2024, it made up 18% of these claims. The Defender of Rights notes that the interests of the child are far from being a primary consideration in decisions taken about him or her.

1. Shortcomings in the child welfare system

The Defender of Rights was informed of potential shortcomings in the care and support provided to a child by the child welfare services (ASE), when she changed foster homes from one department to another. In Decision no. 2024-055, the Defender of Rights noted in particular that the departmental boards concerned by the change in the minor’s foster family had underestimated the impact on the child and provided her with insufficient support during the change.

These observations have led the Defender of Rights to recommend, in particular, that the departmental boards plan preparatory interviews with the child and his or her family and friends as part of any change, and anticipate the issue of maintaining the child’s link with his or her former foster home (in this case, a foster family).

The Defender of Rights also became involved in the situation of a minor taken in by social services (ASE) along with all his siblings, due to domestic violence within the family, and who had been hospitalised several times following suicide attempts. While this situation undoubtedly reflects the complexity of certain types of care, it also highlights the fact that this minor’s care arrangements were made in complete contradiction with his right to be protected from danger.

The Defender of Rights therefore submitted findings (Decision no. 2024-090) to the children’s judge, who had received a request from the minor to reopen his case for child welfare measures.

2. The worrying situation of lone parents with children under the age of three

The Defender of Rights remains particularly concerned about the situation of young adults, pregnant women and single parents with children under the age of three. Some departmental boards have decided to end the “*Young adults under 21*” (*jeune majeur de moins de 21 ans*) scheme when the mother is supported as the single parent of a child under the age of three, even though these schemes are complementary, not mutually exclusive.

The Defender of Rights has also been advised that mothers of children under three were no longer being provided care in maternity centres when the eldest child was over the age of three. In particular, it was asked to investigate the situation of a mother and her three minor children in Mayotte, who were homeless and particularly vulnerable. Following an investigation, the Defender of Rights found that the department of Mayotte had failed to meet its obligations to provide care, including accommodation, and recommended that it create a single parent-young child facility and that central government provide financial, technical and legal support to this end (Decision no. 2024-034).

3. The file on minors returning from the operational areas of terrorist groups

In 2024, the institution submitted findings to the Council of State regarding the legality of the decree of 6 April 2023 authorising the creation of automated processing of personal data relating to the care of minors returning from the operational areas of terrorist groups. In Decision no. 2024-062, the Defender of Rights argued that the provisions of this decree did not protect the best interests of these children, who benefitted from child welfare measures on arrival in France, and disproportionately breached their right to privacy and to the protection of personal data. However, in its decision of 8 July 2024, the Council of State ruled that the data processing operation was in the legitimate public interest, insofar as it was carried out in the interests of the minors and public order.

C. UNACCOMPANIED MINORS

Among the issues relating to child protection, the situation of unaccompanied minors (UAMs) remains a matter of great concern. It accounted for 6% of the institution's referrals relating to the rights of the child in 2024. In particular, the Defender of Rights has received numerous complaints about failures in caring for minors, in the form of refusal of temporary accommodation, or care conditions that do not respect their rights.

The Defender of Rights took part in the national conference of children's lawyers

At the 24th national conference of children's lawyers (*Assises nationales des avocats d'enfants*) held in Bordeaux on 29-30 November 2024, the theme of which was “Faced with violence, what defence(s) for children?”, the situation of UAMs was addressed in a dedicated workshop, with a cross-section of professionals, in which the Defender of Rights took part.

In Decision no. 2024-054, the Defender of Rights had the opportunity to point out that the absence of unconditional emergency intake (EI) arrangements for all persons declaring themselves to be UAMs and the introduction, by a department, of a pre-admission interview, are contrary to the provisions of the French Social Action and Family Code. It reiterated that the use of hotel accommodation for all minors, including in the context of the EI arrangements, for people who declare themselves to be UAMs, is prohibited, and that it is essential to put in place appropriate monitoring by a social worker, including procedures relating to schooling and obtaining civil status where applicable, from the EI phase, as well as to provide for the systematic organisation of a health check-up.

On this occasion, the Defender of Rights made recommendations to the Minister of Justice, in particular to initiate a legislative amendment so that an *ad hoc* administrator is appointed for each person declaring themselves to be a UAM, before their status as a minor or as being unaccompanied is assessed and until a final court decision is made concerning them, and so that they are guaranteed continued child protection care during this procedure.

The Defender of Rights also recommended that the necessary measures be implemented for reliable data collection on the number of persons claiming to be UAMs assessed each year by the departments, those refused access to social services (ASE) by the departments and, among the latter, those finally entrusted to social services (ASE) by judicial decision.

In a reply dated 24 October 2024, the Minister of Justice indicated that work was underway on the legal representation of UAMs and mentioned the mission in progress on the appeal procedures for decisions not to take children into care.

D. EDUCATING CHILDREN ABOUT RIGHTS – INCLUDING THEIR RIGHTS

Reaching out to young people, in all their diversity, and contributing to promoting their rights, means supporting a reduction in the gap that exists between the proclaimed rights of children and young people and their practical implementation, in order to achieve an effective guarantee of all the fundamental rights enshrined in the International Convention on the Rights of the Child.

The Defender of Rights aims to ensure that children and young people, especially the most vulnerable, can exercise their rights in all aspects of their lives, whether at primary, middle or high school, or elsewhere.

The regional branches are frequently asked to speak on children's rights issues. The Occitanie regional branch, for example, participated on several occasions in 2024 in training organised by the Montpellier education authority for teaching professionals and pupils as part of the "Phare" programme to combat bullying at school.

The Defender of Rights is also striving to be increasingly accessible to children and young people. For example, this year again, a new duty session has been set up at the local youth centre in Montpellier, in the Occitanie region, and in Rennes, at "4bis", a resource, information and cultural centre for all young people.

At national level, in addition to its involvement in various events from time to time, the Defender of Rights has two main programmes: JADE, where young people raise awareness about rights among other young people, and Educadroit, which is aimed at adults responsible for their education, particularly teachers.

A symposium on bullying in schools and cyberbullying organised by the École Nationale des Greffes (ENG - National School of Court Officers)

In October 2024, the institution took part in a symposium organised by the ENG. Focusing on the protection of children's rights, and in particular on the subject of bullying in schools and cyberbullying, this event was open to all Ministry of Justice staff and lawyers, and gave the Defender of Rights an opportunity to communicate on the role it can play in this area.

1. Young Rights Ambassadors: young people raising awareness about rights among other young people

For the past 18 years, Young Rights Ambassadors, civic service volunteers aged between 16 and 25, have been raising awareness among children about their rights and equality, helping to combat stereotypes and teach critical analysis. Hosted by partner organisations, JADE members operate throughout France. Initiated in 2023, additional new JADE teams were set up in 2024 in Calvados with the International Institute for Human Rights and Peace and in Gironde with the Gironde Departmental Council. This year also saw the strengthening of the team in the Rouen-Normandie metropolitan area.

Over the course of the year, JADE members went out to meet nearly 42,000 children in schools and extra-curricular settings, hospitals, child welfare homes, youth protection centres and specialised disability institutes. They have been able to draw on a new activities kit to raise awareness among children and encourage their participation (creative activities, sports games, outdoor games, role-playing, board games, etc.). And for the first time, as part of their work with minors in custody, this year JADE members spent a week at the Fleury-Mérogis centre for juvenile offenders.

In order to carry out their duties in the best possible conditions, JADE members receive 155 hours of training, which involves a large number of staff from the Defender of Rights, as well as people working in the field of law and child protection.

Published in June 2024, the JADE programme's annual report takes stock of the eight months spent by JADE members raising awareness about rights among other young people throughout France.

2. Educadroit: a wide range of online resources for adults working with children and young people

The Educadroit programme offers adults working with children and teenagers a range of awareness-raising activities, including the “*Draw me the law*” exhibition, a teaching manual and an online resource centre.

In 2024, the “*Draw me the law*” exhibition was loaned more than 30 times to promote children's rights in various contexts: schools, extra-curricular activities or dedicated events. These initiatives have helped to raise awareness among more than 5,000 children and young people across France. Information campaigns have also been organised for almost 200 professionals to introduce them to the Educadroit.fr platform, which will be expanded in 2024 to include 50 new resources – bringing the total content available online to 275 items.

Finally, the programme was presented at the “Hauts-de-Seine Digital Games” trade fair, in collaboration with the French Data Protection Authority (CNIL) and the French Regulatory Authority for Audiovisual and Digital Communication (ARCOM), and at the “Place aux droits!” event in Marseille (see below), during a presentation to 30 secondary school pupils from a school located in a high priority education network (REP+).



Céline Roux at the Defender of Rights' delegates convention.

III. ETHICS IN THE SECURITY FORCES

Foreword

Céline Roux

Deputy to the Defender of Rights in charge of compliance with professional ethics in the field of security

“‘Police. Always wrong’, to quote Gustave Flaubert’s Dictionnaire des idées reçues (Dictionary of Received Ideas). Diametrically opposed, Flaubert’s Inspector Javert in Les Misérables ‘wrapped everything that had a function in the State in a kind of blind and profound faith [...]. He would say: a civil servant can never be wrong; a magistrate can never be wrong’⁴¹.

From one misconception to another, beliefs, preconceived ideas and feelings flow when we talk about the work of the police, taken here to mean all officers performing security functions.

In a democratic society, the role played by the institutions in charge of overseeing the security forces is a major one. It protects the public from police abuses and excesses just as much as it protects the police from the wrongdoings that are sometimes too hastily attributed to them. As a factor of trust between the police and the general public, it helps to create the conditions for social peace.

The mission of the Defender of Rights, the only body with external and independent control of the security forces, is fundamental in this respect. While internal audit, exercised by peers, the police hierarchy and inspectorates, is essential, the existence of strong external control reinforces its credibility. Strong without being binding, this is the challenge that the control exercised by the Defender of Rights must meet.

*On the one hand, it makes legal decisions, after cases have been investigated by specialised legal experts and submitted for the opinion of a panel of prominent independent figures, highly qualified in the field of security. Secondly, it uses all the tools afforded it by the **loi organique** [framework law]: processing complaints, submitting findings to the courts, drafting reports, funding studies entrusted to researchers, providing opinions to Parliament, requesting opinions from the Court of Audits, exchanging views with civil society, training security forces, participating in international networks and contributing to the work of international organisations.*

It is by basing its positions on rigorous analyses, nourished by an increasingly detailed knowledge of the phenomena it is combating, that the Defender of Rights avoids the risk of seeing issues as black or white, or being led by ideology.”

Independent, impartial and effective monitoring of compliance with security ethics helps to maintain public confidence in the bodies that use force. The individual complaints received by the Defender of Rights, or referred to it, enable it to identify breaches by the security forces, and to recommend measures to address these breaches and prevent their recurrence, at the end of a process governed by the *loi organique* [framework law] of 29 March 2011 on the Defender of Rights. This process includes an investigation – the request for information and documents, reports, videos, medical certificates, etc., hearings, on-site inspections – and the transmission to the persons concerned of a note subject to adversarial proceedings presenting the legal analysis of the Defender of Rights, thus enabling them to make their observations before any decision is taken concluding that there have been breaches, if necessary after the opinion of the panel responsible for security ethics made up of prominent experts.

In 2024, the Defender of Rights concluded that there had been no breach of ethics in 90.8% of the cases referred to the Security Ethics division, either because the facts could not be established, because the officers in question had acted in compliance with ethical rules, or because the complaint had been withdrawn. It found breaches of ethics in 9.2% of the cases referred to the head office. In eleven cases – the most serious – the Defender of Rights referred the matter to the competent authority to initiate disciplinary proceedings on the basis of Article 29 of the *loi organique* [framework law] of 29 March 2011.

The rulings handed down this year highlighted inadequate supervisory control among commanding officers, difficulties encountered by people wishing to lodge a complaint because they feel they have been the victim of a criminal offence, inappropriate behaviour in situations involving children, as well as breaches committed with regard to foreign nationals that have the effect of limiting their rights and stigmatising them.

A. INADEQUATE SUPERVISORY CONTROL AMONG COMMANDING OFFICERS

In her speech on 7 July 2021, delivered at the “Beauvau de la Sécurité” meeting organised by the Minister of the Interior, the Defender of Rights emphasised the importance of peer-led internal audit. This kind of review is often less visible, because when it functions effectively, the dispute ends and the grievances are not brought to the attention of the Defender of Rights. Supervisory control is part of internal audit. It is a guarantee of credibility and legitimacy for all those involved in security activities.

In a number of cases submitted to the Defender of Rights, it appears that the administration has taken appropriate action in response to the finding of a breach of ethics. However, during 2024, the institution noted serious failings on the part of the commanding officers in several cases.

1. Shortcomings in the way complaints are handled

In its Decision no. 2024-045, the Defender of Rights noted a failure to act on the part of the commanding officer, who was present during a strip search of a prisoner, which took place in questionable conditions. It reminded the prison administration of its obligation to carry out the necessary investigations when shortcomings or contradictions are raised, in order to fully exercise its mission of supervisory control, on the one hand, and to ensure the fullest possible responses to the Defender of Rights as part of its mission of external audit, on the other.

In Decision no. 2024-148, the institution also concluded that there had been breaches of ethics after noting that the commanding officer of police officers who had used tear gas under questionable conditions had not effectively fulfilled his supervisory role, and that he had passed judgment on the appropriateness of the claimant's referral to the Inspectorate General of the National Police (IGPN), ironically commenting on the claimant's concerns, despite their legitimacy.

Another decision (no. 2024-149) concerned the questionable preventive detention of a prisoner in a disciplinary unit, which should have led to an effective administrative investigation by the prison governor.

In its Decision no. 2024-087, concerning the incidents that took place at the Stade de France on 28 May 2022, during the Champions League final, the Defender of Rights considered that the commanding officers had not taken all the necessary steps to supervise or oversee supervision of the actions of their officers (who had made inappropriate and unnecessary use of tear gas and had not succeeded in protecting the fans from the attacks they had been subjected to on the outskirts of the stadium).

2. The need to build mutual trust between the police/gendarmerie and the general public

Commissioned from researchers at CESDIP (sociological research centre for law and penal institutions) and the “Pacte” laboratory, with the support of the Defender of Rights and CREOGN (research centre of the national gendarmerie officers’ school), the study “Ethics and relations between the police and the general public: gendarme and police officer attitudes”, published in February 2024, presents the results of a survey of gendarmes and police officers on their attitudes as regards relations with the general public, ethics and internal and external audit bodies.

The study found that police officers, more than gendarmes, express relatively low levels of confidence in the general public and see their role as being predominantly repressive. This is partly due to the fact that they have little training in managing relations with the general public, are regularly exposed to tension (verbal abuse and aggression) and face difficult working conditions. They are also more likely to have limited confidence in the reporting mechanisms in place. Their attitudes reveal an ambivalent relationship with the law and a mixed relationship with the use of force. Furthermore, the effectiveness of frequent checks as a means of guaranteeing the security of an area seems to be very

unevenly perceived. Gendarmes express more satisfaction about their job and their superiors than police officers, more often believing that accountability is necessary and have a more restrained relationship with the use of force.

For the Defender of Rights, these results support the argument that more initial and ongoing training of police officers and gendarmes is needed on interaction with the general public and the de-escalation of violence, respect for the principle of proportionality in the use of force and the role of external audit exercised by the Defender of Rights.

3. Training of police officers and gendarmes

As part of its missions, the Defender of Rights contributes every year to the training of people working in security. Its aim is to explain the institution’s remit in monitoring compliance with ethics for security officers and in combating discrimination, and to help develop practices in these areas.

In 2024, 3,898 trainee law enforcement officers were given training on ethical rules during 28 sessions at 11 schools in mainland France. 450 trainee officers from the Canne-Écluse police academy (ENSP) were also given training based on practical case studies of situations involving peers. Lastly, 185 trainee officers or external auditors from the national gendarmerie officers’ school in Melun were trained using the same method as that used with police officers. The training is based on the idea that ethics provide a restrictive, but also protective, legal framework for the day-to-day actions of officers. The Defender of Rights’ trainers also facilitated the training of 25 officers at the SNCF school for railway security. Lastly, 18 senior municipal police officers took a seven-hour “ethics and discrimination” course as part of their induction training.

Raising awareness regionally among Nantes' municipal and transport police officers

The Bretagne-Pays-de-la-Loire regional branch took part in two morning awareness-raising sessions aimed at preventing discrimination and improving security in the professional practices of Nantes' municipal and transport police officers in terms of ethical and legal rules. 25 staff members took part in these discussions, which provided an opportunity to introduce the Defender of Rights, remind attendees of the legal framework (non-discrimination law, police ethics) and share the institution's findings. The sessions also provided an opportunity to shed light on some of the professional situations experienced by these security officers.

The Defender of Rights addresses trainee commissioners at Saint-Cyr-au-Mont-d'Or

In May 2024, the Defender of Rights addressed trainee commissioners at the Saint-Cyr-au-Mont-d'Or police academy (ENSP), to present the institution's work on monitoring ethics in security forces. Together with Céline Roux, her deputy in charge of compliance with security ethics, the Defender of Rights reiterated the importance of teaching ethics in the training of future senior officers of the national police force and the central role played by these officers. With regard to the responsibilities and prerogatives of police officers, compliance with the code of ethics is far from being an obstacle to the performance of their duties: it is a protective framework for them and the public, legitimising their action while helping to strengthen the bond between the police and the general public. This address also provided an opportunity to reiterate the complementarity between the institution and the internal audit bodies of the security forces (IGPN and Inspectorate General of the National Gendarmerie [IGGN]).

B. REFUSAL OF A COMPLAINT

For many people, their first contact with the national police or gendarmerie is when they are welcomed by the officers at a police station or gendarmerie brigade. This first interaction

is decisive in that it contributes to the way users feel about police and gendarmerie officers. Added to this consideration is the impression created by the way in which the complaint lodged by the user is recorded, it being important especially to process it as soon as possible after the event, so that the first investigative steps can be taken quickly to increase the chances of establishing the facts, be they incriminating or exculpatory.

Disputes relating to the refusal to record a complaint, which may be referred to the Defender of Rights, raise questions about the care taken by front desk officers to provide appropriate guidance to users wishing to lodge a complaint, notably where there is doubt about the criminal nature of the facts under the terms of article 15-3 of the Code of Criminal Procedure, or where service constraints mean that the recording of the complaint has to be postponed.

Since 1 October 2015, the specific handling of referrals related to refusal to record a complaint has been entrusted to the territorial delegates of the Defender of Rights, designated as "security ethics coordinators", acting within the framework of mediation to facilitate the recording of complaints via contacts established locally.

The role of coordinator delegates for security ethics

Since 2015, delegates of the Defender of Rights – of whom there will be 43 by 2024 – have been specifically tasked to work, through mediation, to resolve disputes arising from certain breaches of ethics by the security forces. They can only become involved if a complaint is refused, or if inappropriate remarks have been made by a national police or gendarmerie officer.

This option, made possible though close, good quality relationships with the those involved locally in security, is still relatively unknown by the potential victims of these breaches, who could however find delegates to be very useful contacts in resolving these disputes, which undermine the relationship between the security forces and the general public.

A question for...**Pierre-Yves Dambrine**

Delegate for the Pas-de-Calais department

What can you do when a user reports inappropriate comments or a refusal to record a complaint?

“Before taking any action, we try to establish as fully and precisely as possible the reasons for the dissatisfaction of the person contacting us so that we can assess whether the dissatisfaction is justified.

On the one hand, judicial police officers and employees are required to take complaints from the victims of criminal offences. Of course, if the facts do not constitute criminal offences but rather a commercial dispute for example, the person will be directed to other forms of redress.

Nevertheless, complaints are sometimes refused for a variety of reasons: incorrect analysis of the facts, complex facts that are open to interpretation, unjustified referral to another department, a request to come back at a later date, etc.

On the other hand, “inappropriate comments” are those that breach the rules of ethics of the national police and gendarmerie.

To resolve such disputes through mediation, we go through the commanding officer of the unit or department of the officer in question. This requires knowledge of these departments, and a few useful contacts. The way the gendarmerie and national police are organised means that contacts at departmental level are useful and highly effective; at a lower level, the local police commissioner or commander-in-chief or unit commanding officer are also good contacts.

Contact by e-mail is now the norm, after a telephone conversation with the executive secretariat or the Chief of Staff,

who will confirm the procedure to be followed. The facts will be investigated and a written response provided, often very quickly. For mediation to be successful, it is important to adopt an open, non-judgmental tone that allows for an informative response.”

The system and the commitment of the delegates have helped to resolve many situations. Alleged refusals to record complaints again accounted for 8% of the cases handled by the Defender of Rights in the field of security ethics this year.

The difficulties encountered by plaintiffs persist, particularly when complaints are not recorded following application of unlawful conditions. For example, the Defender of Rights handed down Decision no. 2024-150 concerning an English-speaking Nigerian man, where a law enforcement officer stated he would only record his complaint if he met preconditions not provided for by law: presentation of identity documents and proof of legal administrative status. The Defender of Rights considered that the behaviour of the law enforcement officer was a sign of impaired treatment of the victim, in that the latter gave up lodging a complaint, felt legitimate fear that he may be deported from France, even though he was vulnerable due to his administrative situation and sexual orientation, which was the cause of the events motivating his request to lodge a complaint. Finally, the institution noted that the law enforcement officer had made the recording of the victim's complaint conditional on the presence of an interpreter, whom he asked him to find on his own, even though this was the responsibility of the administration. The Defender of Rights therefore recommended the adoption of ministerial directions aimed at reiterating the legal framework for lodging complaints and receiving victims, and in particular the right of any person to lodge a complaint on the sole condition that the acts reported are punishable under criminal law, regardless of the person's nationality or administrative status, as well as the right to an interpreter.

C. THE TREATMENT OF CERTAIN VULNERABLE PEOPLE

The Defender of Rights has stepped in, both when dealing with complaints and in promoting rights and freedoms, to remind the public authorities and officers concerned of their duty to act with respect for the rights and freedoms of individuals, particularly when they are particularly vulnerable.

1. Treatment of minors

Article 3 of the International Convention on the Rights of the Child states that in all actions concerning children, the best interests of the child, including consideration of his or her basic needs, shall be a primary consideration. Article 37 of the Convention also states that the State must ensure that every child deprived of liberty is treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In the case of a minor, the police officer's duty to set an example is all the more essential in that his or her behaviour can have a pedagogical and educational effect. Conversely, inappropriate behaviour on the part of an officer can have a particularly harmful effect on a minor.

The Defender of Rights was notified by a lawyer who had witnessed demeaning behaviour committed by a police officer with regard to a minor in police custody, consisting of mopping up urine spilled on the floor of a cell with the minor's cap and then returning it to him. The Defender of Rights considered that a simple reminder letter, which does not constitute a disciplinary sanction, sent to the law enforcement officer, was not appropriate to the severity of the breach observed (Decision no. 2024-151).

In another decision (no. 2024-152) concerning the police custody of a man, father of two children, the Defender of Rights considered that a law enforcement officer failed in her duty of discernment and failed to give due consideration to the best interests of the children by not taking steps to ensure that an adult could take care of the children during their father's police custody, leaving the children alone without any news of their father, who was initially due to leave for a short period, and by only informing her superiors of this situation after nine hours.

Lastly, the Defender of Rights was contacted by the lawyer of a 12-year-old girl who had been summoned to the police station and placed under judicial custody because she was accused of bullying a classmate. On the basis of video recordings, the Defender of Rights noted a lack of knowledge of the claimant's rights of defence, a lack of discernment on the part of the investigators, and a breach of the claimant's rights, in the way they questioned her (by pressing and guilt-inducing questions) and due to the inappropriate material conditions of the hearing (Decision no. 2024-157).

2. Treatment of foreign nationals

The protection of human dignity, enshrined in international conventions and recognised as a principle of constitutional value⁴², is the foundation of human rights and freedoms such as the right to life and liberty, the right not to be subjected to inhuman and degrading treatment, and the right to a standard of living adequate for the health and well-being of oneself and one's family. Respect for these rights must be guaranteed to everyone, and particular attention must be paid to people in extremely vulnerable situations, such as homeless, displaced persons.

Over the last year, the Defender of Rights concluded in a number of cases that breaches of ethics had been committed against foreign nationals in highly vulnerable situations, notably during identity checks conducted close to the premises of non-profit organisations, healthcare facilities and a supermarket, during forced expulsions, evictions or following release after refusal to board.

In its Decision no. 2024-019, it concluded that identity checks conducted by police officers on people considered to be migrants at the entrance to a supermarket were discriminatory, and that the police officers had behaved in an intimidating manner towards the members of the non-profit organisations present during the checks.

In its Decision no. 2024-083, the Defender of Rights found a breach of the duty to respect the law and the duty to exercise discernment regarding the circumstances in which Mayotte police officers carried out checks on the right of individuals to stay on the premises of non-profit organisations whose members were carrying out humanitarian work.

In another decision (Decision no. 2024-089), the Defender of Rights considered that by checking the right to residency of people whose homes had been destroyed as part of its intervention to end a public order disturbance (caused by forced expulsion operations carried out by groups from Mauritania), gendarmerie officers committed breaches of the duty of discernment, the obligation to respect dignity, as well as the duty to protect and assist people in danger.

In Decision no. 2024-026, noting that a court decision had granted a deadline to the occupants of a plot of land to vacate the premises, the Defender of Rights pointed out that the Prefect, representing the State in the department, could not use public force to evacuate the occupants and that its decision had no legal basis, having disregarded a court decision.

Finally, in Decision no. 2024-158, which concerned the place of release of two people following an unsuccessful attempt to escort them to the border, the Defender of Rights noted that the claimants had been released without explanation by the side of an unknown road, far from any means of public transport. It concluded that there had been a lack of discernment and a breach of the duty to protect people.

3. Treatment of women who are potential victims of sexual violence

The Defender of Rights received a complaint from a 30-year-old woman who claimed, in particular, that the national police officers overseeing her custody had not opened a preliminary investigation on suspicion of sexual assault when she was placed in a secure holding cell. She had been found in the street, crying and distraught, with no her coat despite the cold and without her handbag (containing her proof of identity, purse and mobile phone).

At the end of its investigations, the Defender of Rights considered that, given the lack of a complaint expressed by the claimant at the time she was taken into police custody, the completion of biomedical tests with a view to detecting a possible sexual assault was not legally required of police officers. However, given the various factors (woman alone, with no memory, distraught, etc.) that might raise suspicion of a drug-induced sexual assault, a proactive approach on the part of the police officers appeared necessary.

It noted that the police officers had not investigated whether the symptoms presented by the claimant could be explained by something other than massive alcohol consumption, for example, the administration of a substance without her knowledge, likely to impair her discernment and control of her actions in order to commit rape or sexual assault against her, an offence punishable by Article 222-30-1 of the French Criminal Code.

It also noted that this lack of judgement illustrates a lack of knowledge on the part of the police services in identifying the traits of a drug-induced sexual assault.

Consequently, in view of the major public issue represented by the detection of drug-induced sexual assaults, the Defender of Rights recommends to the Minister of the Interior and the Minister of Justice that effective measures be taken to improve detection techniques, in particular by raising awareness among police services as part of their training and by facilitating access to detection kits in police stations, gendarmerie brigades and forensic medical units (Decision no. 2024-215).

4. Treatment of people with disabilities

On 8 November 2024, the Defender of Rights and her deputy in charge of compliance with security ethics, Céline Roux, welcomed to Paris the members of the IPCAN (*Independent Police Complaints' Authority Network*), the international cooperation network of independent national bodies responsible for the external auditing of security forces, for an 8th seminar. 16 authorities took part in the discussions held.

The first part of the day was devoted to police relations with people with disabilities. Network members were able to discuss cases encountered in their respective countries and issues such as the lack of accessibility of places of detention and law enforcement services and the lack of awareness of mental disorders within law enforcement agencies, leading to situations of violence against people suffering from these disorders. Members formalised their findings and recommendations in the Paris Declaration.

The second part of the seminar focused on the use of new technologies by law enforcement agencies. Members were able to compare national practices and legislation, particularly in relation to the use of body cameras.



Cécile Barrois de Sarigny at the Defender of Rights' delegates convention.

IV. SUPPORT FOR WHISTLEBLOWERS

Foreword

Cécile Barrois de Sarigny

Deputy Defender of Rights in charge of whistleblower support

"In 2024, the number of whistleblowers reporting matters to the Defender of Rights continued to rise.

Nurses, nursery employees, technicians, doctors, chief financial officers – these are just some of the public and private sector employees who have asked for support in reporting incidents of abuse, conflicts of interest, pollution, corruption or other breaches of the law that they do not intend to ignore.

The variety of profiles of those whom the law now protects demonstrates that whistleblowing is a right that potentially concerns all citizens. And there are many situations in which, faced with a document whose legality is questionable or a harmful behaviour, the reaction has been to refer the matter to the appropriate person or coordinator within the entity concerned or to the competent administrative authority in order to put an end to it.

In September 2024, the institution published its first biennial report on whistleblower protection. This report, peppered with striking examples of situations that the Defender of Rights has had to deal with, shows the reality of whistleblowers. The report also seeks to decipher the legal concept of the whistleblower, focusing on the key elements of its definition, such as good faith, the whistleblowing process and the conditionality of public disclosure.

Interpretation of these criteria determines whether or not the protection afforded by the legislator will apply. Case law, which is developing as the protective status is invoked, has already provided some important clarifications. Because of the large number of cases it deals with, the Defender of Rights is often a pioneer in the field of legal issues. It attempts, within this framework, to promote interpretation of the law that meets the challenges of protecting freedom of expression – the basis of the legislation.

The role of the whistleblower is thus taking a concrete form and is also becoming denser from a legal point of view. This is helping to re-establish an idea that has not always had good press and to encourage it to be used by those whose rights and freedoms it can protect."

2023, the first full year of implementation of the new legal framework introduced by the reform of 21 March 2022, confirmed the strengthening of whistleblower protection and the new role of the Defender of Rights in supporting whistleblowers.

2024 confirmed the upward trend in the number of people seeking support from the Defender of Rights as regards whistleblowing, and in particular its role within the protection system as a pivotal authority for directing and redirecting whistleblowing reports. The Defender of Rights also took the opportunity to assess implementation of this legislative reform by publishing its first biennial report on the protection of whistleblowers in France.

Clarification

In the vast majority of cases, certifications are issued when the whistleblower's actions are confidential, particularly with regard to the person or entity implicated. It does not therefore seem appropriate to make them public, even anonymously.

Decisions on recommendations are not published either, as the Defender of Rights has chosen to avoid any risk of the whistleblower being identified as such in subsequent professional relations.

A. CREATION OF A DEDICATED DIVISION WITHIN THE DEFENDER OF RIGHTS

Since 2022, when the Defender of Rights' remit was expanded to include the guidance and protection of whistleblowers, there has been a sharp increase in the number of referrals. This upward trend was confirmed with 519 complaints in 2024 (compared with 306 in 2023), including 373 complaints seeking support (guidance and/or protection), 93 reports falling within the remit of the Defender of Rights and 53 complaints giving rise to a response without investigation.

This influx of new requests led to the creation of a new dedicated division within the Defender of Rights: the "Whistleblower Rights" division, which takes over from the whistleblowers support unit. This specialist division, headed by an administrative magistrate on secondment, consists of three legal experts. It deals with all requests for support for whistleblowers against reprisals, regardless of the sector (public, private, outside employment) concerned (certification of whistleblower status and legal findings, if necessary, in the event of reprisals brought before the courts).

Whistleblowing reports that are confirmed to fall within the remit of the Defender of Rights (rights of the child, discrimination, ethics of security personnel, relations of users with public services) are, after an initial examination of their admissibility, dealt with by the relevant investigating divisions.

B. CONSOLIDATING THE PROTECTION OF WHISTLEBLOWERS

As the only authority responsible for supporting whistleblowers in France, the Defender of Rights received numerous requests in 2024 from people seeking an opinion on their status as whistleblowers or an investigation into reprisals they felt they had suffered following a report.

1. The variety of whistleblower profiles

All the complaints received by the Defender of Rights confirm the wide range of profiles of people wishing to benefit from such support. In 2024, the Defender of Rights was able to issue a positive opinion on the whistleblower status of a police officer who had reported to her commanding officers deliberate acts of violence committed by a colleague, of a civil servant who had reported acts of mistreatment of children cared for in a children's home, but also from employees who had reported a situation of suffering at work and general workplace bullying as well as its harmful effects on the care of users in this structure.

In another case, referred to by several employees who had reported to the National Financial Prosecutor's Office abuse of trust and misappropriation of public funds involving the head of their non-profit organisation, the Defender of Rights issued a certificate that could be produced, as a matter of urgency, before the urgent applications judge at the industrial tribunal at the beginning of 2024. Taking the view, consistent with the analysis made by the Defender of Rights, that the employee concerned could indeed benefit from the status of whistleblower, the urgent applications judge declared the dismissal null and void and ordered her reinstatement.

2. Whistleblowers and reprisals

In most cases, when a person contacts the Defender of Rights claiming to be the subject of reprisals related to a whistleblowing report, it is put an end to the reprisals or obtain recognition of the harm caused.

In this context, the Defender of Rights was able to present legal findings to an industrial tribunal in support of an employee who had been dismissed for gross misconduct after reporting potential criminal offences committed by a colleague to his superiors. The employer, after initially refusing to cooperate with the Defender of Rights'

investigation, argued during adversarial proceedings that the claimant had not reported the matter in good faith, as he was trying to destabilise his colleague, and that the dismissal was justified by the claimant's brutal management style.

Taking the view that the chronology of events and the wording of the letter of dismissal showed a link between the whistleblowing report and the dismissal, the Defender of Rights concluded that there had been a breach of the protection afforded to whistleblowers and that the dismissal was null and void. In line with these findings, the industrial tribunal ruled that the employee's dismissal was null and void and ordered the employer to pay him over €1 million in compensation.

The ruling also found that the employer, by failing to respond to the Defender of Rights' initial requests for information, had demonstrated an *"obstructive attitude towards an institution of the Republic"*, an attitude that *"lacks transparency and does not work in [its] favour"*.

In 2024, the Defender of Rights was also able to use its powers of recommendation to support a public sector employee who felt he was being subjected to reprisals after reporting the violence suffered by a user of the public service. A few months after his reports, the employee received a letter reminding him of his professional obligations, directly motivated by his whistleblowing reports. After an investigation involving both parties, the Defender of Rights considered that the employee fulfilled the conditions to be recognised as a whistleblower and that the letter reminding him of his professional obligations constituted a measure of reprisal prohibited by law. As a result, the Defender of Rights recommended that his employer remove the letter from his administrative file and compensate him for any resulting damage. Following these recommendations, the employer agreed to remove the document from the employee's administrative file.

C. THE NEW ROLE CONCERNING THE REDIRECTION OF WHISTLEBLOWING REPORTS

2024 also demonstrated the importance and usefulness of the network of external reporting authorities (AERS) organised by the Defender of Rights.

These external authorities deal with reports falling within their remit, such as breaches of probity in public procurement by the French Anti-Corruption Agency (AFA), the protection of privacy and personal data by the French Data Protection Authority (CNIL) and consumer protection by the Directorate-General for Competition, Consumer Affairs and Fraud Control (DGCCRF). The Defender of Rights is itself an external authority for reports falling within the scope of its areas of competence.

The external authorities may forward to the Defender of Rights any report for which they do not identify any other competent external authorities. In accordance with the role entrusted to it by the legislator, the Defender of Rights then redirects the whistleblowing report to the authority best placed to deal with it, even if this is not one of the authorities designated by the texts. In 2024, it redirected a large number of reports to regional health agencies, given their expertise and their role in observing and monitoring healthcare establishments. It has also been able to redirect certain reports to primary health insurance funds (CPAM) or URSSAF.

As part of this informal network of external authorities, two documents have been produced to help the authorities get to know each other better and to facilitate communication: a directory, providing a direct point of contact for whistleblowing-related issues in each authority, and a document outlining each authority's remit and its internal principles.

These documents and the communication between the external authorities facilitated by them, proved to be particularly valuable in 2024, when the number of redirected whistleblowing reports increased significantly, with more than a hundred reports sent to the Defender of Rights by authorities that

considered themselves incompetent to deal with them, compared to only three in 2023.

This development reflects the new role played by the Defender of Rights in redirecting reports and its identification by external authorities as the pivotal authority in this system.

D. THE DEFENDER OF RIGHTS' FIRST BIENNIAL REPORT ON WHISTLEBLOWER PROTECTION

The *loi organique* [framework law] of 21 March 2022⁴³ also required the Defender of Rights to submit a report every two years to the President of France, the President of the National Assembly and the President of the Senate “on the overall operation of whistleblower protection, based on information provided by the authorities responsible for processing and collecting whistleblowing reports.” 2024 saw the publication of the Defender of Rights' first biennial report 2022-2023 on whistleblower protection.

A question for...

Laure Maisonneuve

Head of the “Whistleblowers Rights” division

How did you go about producing this first biennial report?

“When the report was being drawn up, it became clear pretty quickly that, given its relative novelty, it would be useful to draw up an overview of the law on whistleblower protection in France. We therefore tried to recount the history of legislation and to outline its main points by examining the key concepts, illuminated by case law. We also identified the elements of our principles on which we felt it was important to communicate. As far as the handling of reports is concerned, in addition to our own observations, we were able to use the various reports submitted by the external authorities. This work has enabled us to identify common elements for discussion (in particular, the list of external authorities) as well as issues specific to some of them.

We also compiled statistical data by asking them to fill in a form drawn up by the Defender of Rights to make it easier to use their data. Finally, we collected the views of some of these authorities and members of civil society about this system, in the form of questions and answers. The report reflects their responses, which contribute to the Defender of Rights' assessment of the implementation of whistleblower protection in France and the progress still to be made."

This biennial report relates the observations made by the Defender of Rights whilst handling complaints addressed to it, both as a party responsible for supporting whistleblowers and as an external authority responsible for collecting and processing reports. It is enriched by the reports that the other external authorities are required to send each year to the Defender of Rights about their activity in collecting and processing reports, as well as by exchanges with various stakeholders in this system.

The Defender of Rights' report begins by outlining the progress that has been made in this area, particularly with regard to the whistleblowing procedure and the protection afforded to whistleblowers or those close to them (family, colleagues, etc.) or who have helped them in their efforts.

However, whilst handling complaints referred to it, the Defender of Rights has been able to measure the practical difficulties that whistleblowers, or the public or private entities responsible for handling the reports, may face.

On this point, the report highlights the shortcomings of the current legislative framework, particularly with regard to the scope of whistleblower protection. The latter would benefit from including legal entities or even, with the necessary adaptations, the field of national defence and security. The report also highlights the lack of effective psychological and financial support, recommending in particular the creation of a dedicated support fund and the introduction of psychological support, which could take the form of covering the cost of sessions with professionals or the provision of a free service paid for by the public authorities. As regards the handling of whistleblowing reports, the biennial report recommends completing and reassessing the relevance of the scope of the list of authorities designated as external authorities, as well as assessing the percentage of companies and administrations that are up to date with their obligation to set up a system for collecting internal reports.

In general, the Defender of Rights notes that the progress that still needs to be made to give concrete form to the right to report involves, first and foremost, better information for the public, but also for all the authorities concerned by this system. This is why the report's first recommendation is to provide funding for communication campaigns on whistleblower protection and promotion. Familiarity with the system now appears to be the key to ensuring that it is taken on board by all those involved, and first and foremost by those it is designed to protect.

E. RAISING AWARENESS OF THE WHISTLEBLOWING SYSTEM AND THE ISSUES SURROUNDING IT

Whistleblowers need greater support in having their rights recognised. With this mind, the institution met with many public and private stakeholders in the field (non-profit organisations, trade unions, lawyers, magistrates in particular) in 2024. These meetings provided an opportunity to exchange views and shed light on the outline and challenges of this new legislation.

1. Raising awareness and providing training on the concept of whistleblower

Participation in the forum of committed companies

At the invitation of *Transparency International France*, Cécile Barrois de Sarigny, Deputy Defender of Rights in charge of whistleblower support, and Laure Maisonneuve, Head of the “Whistleblower Rights” division, presented the biennial report on whistleblower protection to a group of companies that have set themselves the goal of adopting the highest standards of transparency and integrity. These companies share many of the recommendations and findings of the Defender of Rights.

The Defender of Rights at the “Rendez-vous de Cabourg” of the Caen Bar Association

Every year, the Caen Bar Association holds a meeting with several dozen members of the profession to discuss a topic which, in 2024, was “truth and falsehood”. Alongside lawyers and Marine Martin, whistleblower in the Dépakine case, the Deputy Defender of Rights in charge of whistleblower support discussed the challenges of freedom of expression.

Speech to the General Inspectorate for Education, Sport and Research (IGESR)

On 15 October 2024, Mireille Le Corre, Secretary General of the Defender of Rights, and Marc Loisel, the institution’s “Protection of Rights – Public Affairs” Director, addressed the IGESR – an inspection service that carries

out assessment, expertise, audit and support missions – to present the Defender of Rights and its work related to whistleblowers. On this second point, the discussions clarified the institution’s remit, its methods of intervention and its interaction with inspectorates.

Training courses and meetings in La Réunion

From 2 to 5 December 2024, the Deputy Defender of Rights in charge of whistleblower support and the head of the “Whistleblower Rights” division were in La Réunion to present the issues involved in whistleblowing to civil servants, judicial and administrative magistrates, lawyers and business leaders.

Their presentations enabled attendees to gain a better understanding of the concept of whistleblowers, the protection system and the role of the Defender of Rights, through real-life situations. More than a hundred people learned more about this issue, as well as the general public through media coverage of the trip. On many occasions, the delegation reiterated that many people may be whistleblowers and that by disclosing serious breaches of the public interest, whistleblowers are a key part of our democratic structure.

2. International networks driving dialogue and recommendations

The Valencia Declaration by the NEIWA network

On 18 and 19 April 2024, Cécile Barrois de Sarigny, Deputy Defender of Rights in charge of whistleblower support, was in Valencia with 32 European whistleblower protection and anti-corruption authorities for the 9th General Assembly of the NEIWA network (*Network of European Integrity and Whistleblowing Authorities*)⁴⁴.

After this two-day meeting, members of the network approved a joint declaration, the Valencia Declaration, which stresses the need to protect whistleblowers in order to prevent breaches of European and national rights in a number of areas of public interest, including the fight against corruption, and condemns any form of restriction on the independence or effectiveness of the competent national or regional authorities.

NEIWA members emphasized the importance of promoting the work and coordination of all those involved in whistleblowing and the fight against corruption. The contribution of the police, the judiciary and civil society is essential in establishing a culture of integrity.

In addition to the Valencia Declaration, the results of several working groups set up within the Network were presented at this 9th General Assembly, such as the group dedicated to analysing complaints received, or the group responsible for studying, analysing and proposing measures to provide financial or psychological support to whistleblowers. On this last point, Network members such as the Defender of Rights regret the lack of resources allocated to the institutions responsible for protecting whistleblowers.

The Group of States against Corruption (GRECO) – the Council of Europe's anti-corruption body – echoed the findings of the Defender of Rights in its 2nd compliance report on France.

The Quebec Declaration by the AOMF

The Association des Ombudsmans et Médiateurs de la Francophonie (AOMF), of which the Defender of Rights is a member, adopted a Declaration on the protection of whistleblowers at its last Congress in Quebec in October 2024. This Declaration marks a shared commitment to whistleblower protection and calls on States to implement reliable and secure mechanisms for managing whistleblowing, while guaranteeing the safety, and legal and psychological support of whistleblowers. It demonstrates the importance of protecting and promoting whistleblowers in the French-speaking world.

PART 3

EMERGING ISSUES

Two fundamental issues are disrupting contemporary societies: firstly, the accelerating digital transformation of the world with the widespread development of artificial intelligence, and secondly, climate change resulting from human activity.

These two issues, which dominate contemporary news headlines, were not considered during the parliamentary debates on the scope of the Defender of Rights when it was created. Given that they are likely to result in breaches of rights and freedoms, the institution – which is sometimes approached and/or questioned by non-profit organisations, NGOs or public authorities – has nevertheless become involved in these issues, which may impact its various areas of competence across the board.

I. ARTIFICIAL INTELLIGENCE

Artificial intelligence algorithms and systems are becoming increasingly commonplace in many aspects of everyday life.

Algorithm-based systems may herald a source of progress, but they also pose major risks to rights and freedoms, as the Defender of Rights already pointed out in two reports, one in 2020 on the risk of automated discrimination caused by algorithms and the other in 2021 on the urge to safeguard fundamental rights in the use of biometrics.

All of the Defender of Rights' areas of competence are concerned. Used for example in recruitment (to filter CVs), to recommend content on social media, to take certain administrative decisions or even in algorithm-based video surveillance, these automated systems can create a risk of discrimination, breaches of the rights of the child or the rights of users of public services, and raise specific issues in terms of the ethics of security professionals.

In 2024, the Defender of Rights was particularly active on the issue of AI, notably through the publication of a report and the continuation of training initiatives.

A. THE REPORT “ALGORITHMS, AI SYSTEMS AND PUBLIC SERVICES: WHAT RIGHTS DO USERS HAVE? CRITICAL CONSIDERATIONS AND RECOMMENDATIONS”

Published on 13 November 2024, this report looks at respect for the rights of users of public services, focusing in particular on the risks associated with individual administrative decisions that are partially or fully automated.

The report examines the effectiveness of two particularly important guarantees in ensuring that these rights are respected: human intervention in decision-making and control of systems, and the requirement for transparency with regard to the users concerned.

When an administrative decision is said to be “partially automated”, a public official must contribute to the decision-making process through a concrete and significant action. However, the Defender of Rights points out that this action is sometimes non-existent – as is the case with the Affelnet procedure for allocation of secondary school places, or Parcoursup for higher education – and is sometimes biased, when the results produced by the system are approved without being questioned.

When it has taken a decision based on algorithmic processing, the public service responsible must also, barring exceptions, provide a certain amount of information to the user concerned and to the general public. This legal requirement for transparency, which stems from a constitutional principle, is meant to allow the decision to be understood so that it can be debated, or even contested effectively.



On this point, the Defender of Rights also notes that respect for information obligations is sometimes minimal or poor.

On both points, the report makes recommendations to ensure that the rights of users of public services are fully respected.

A question for...

Gabrielle du Boucher

Head of the “Digital Rights and Freedoms” project in the “Youth, Training and Prospects” division

What is the mainstream use of algorithms in public services? Why did the Defender of Rights want to draw up a report on this subject?

“Many public services now use algorithms, whether to calculate the amount of tax or social security benefits, allocate nursery places or organise access to higher education (Parcoursup), or to target controls in the fight against benefit or tax fraud. Increasingly complex artificial intelligence systems are being deployed, for example to identify high-risk events in the public space

or to provide faster written responses to users of public services by automatically generating text (see “Albert, the ChatGPT of French administration”). This is what we mean by the “mainstream use of algorithms in public services”. This has real consequences for users, especially as it is now legal in some cases for the authorities to make individual decisions entirely automatically. While using these systems can have advantages, they also entail risks for users of public services. In addition to the risks to privacy, the following points need to be considered: the need for human control of the systems used, the importance of ensuring that the principle of transparency is effective, and the absence of discriminatory bias in the systems. This is why the institution has produced a report on this topic, making recommendations to ensure that users’ rights are guaranteed.”

B. TRAINING INITIATIVES

To help people better understand the challenges of algorithmic discrimination (see Factsheet 7 “Combating discrimination produced by algorithms and AI”, published in February 2024 on the institution’s website), the Defender of Rights, in collaboration with the Council of Europe, offers an online training course entitled “AI and discrimination”, which was held for the fourth time in early 2025. This training course is aimed at staff from independent authorities (Defender of Rights, CNIL, CNCDH, ARCOM, *Autorité de Contrôle Prudentiel et de Résolution* [ACPR – French Prudential Supervision and Resolution Authority], etc.), as well as people working on these issues in ministries, local authorities and non-profit organisations. It presents the key concepts, some examples of the use of automated systems in various fields, the applicable regulations relating to personal data, non-discrimination and specific to AI systems, as well as the as yet unresolved issues in the fight against algorithmic discrimination. Its aim is to provide an understanding of the discriminatory mechanisms that may be at work in these systems.

“Our cooperation since 2021 with the Defender of Rights on the online training programme on AI and non-discrimination has served as a catalyst for the development of our collaboration with other equality bodies in Europe. This joint initiative reflects our commitment to ensuring that digital development amounts to social progress that benefits everyone, especially people in vulnerable situations who are at risk of exclusion or discrimination.”

Menno Ettema

Head of the Hate Speech, Hate Crime and Artificial Intelligence Unit of the Council of Europe’s Inclusion and Anti-Discrimination Division

C. A NETWORK OF STAKEHOLDERS

While the institutional landscape regarding digital regulation is in the process of being established, particularly with the adoption of the AI regulation by the European Union in 2024 and the adoption by the Council of Europe of a framework convention on “Artificial Intelligence and Human Rights, Democracy and the Rule of Law”, the Defender of Rights intends to continue to carry out its duties as guarantor of public freedoms, in liaison with other authorities and public bodies, both at national and European level (especially by engaging in dialogue with its counterparts within the Equinet network, a European network of bodies responsible for anti-discrimination). At national level, the Defender of Rights has been identified as one of the authorities protecting fundamental rights under Article 77 of the Regulation on AI adopted by the EU in 2024.

As automated systems become increasingly important, the Defender of Rights is frequently called upon by external stakeholders, such as other institutions, certain bar associations, non-profit organisations and professionals, as well as academics, to intervene on the protection of rights.

II. THE ENVIRONMENT

The recurrence of extreme climatic events, the deterioration in water quality and difficulties in accessing drinking water, air and soil pollution, the resurgence of chronic diseases, heatwaves and environmental damage all have a major impact on rights and freedoms, particularly for the most vulnerable in society, such as children, the elderly, people with disabilities and those living in precarious conditions.

The Defender of Rights is thus called upon to intervene when environmental damage or breaches of the rules protecting the environment jeopardise the rights and freedoms it is responsible for overseeing, such as the right to water, the right to health or the right to housing. Environmental activists may also refer cases to it on the grounds of freedom of expression and demonstration. Its role in supporting whistleblowers also leads it to take a stand on breaches of environmental law.

In 2024, the Defender of Rights received complaints about breaches of environmental rights. At the same time, as part of its work to promote rights, it has paid particular attention to this issue.

A. THE WORK OF THE DEFENDER OF RIGHTS IN INVESTIGATING INDIVIDUAL COMPLAINTS

When a complaint is lodged, the Defender of Rights has the authority to intervene, as part of its work, in the event of breaches of the rights guaranteed by environmental law (Environmental Charter, Environmental Code, etc.), as well as of rights that may be considered to fall substantially within the scope of environmental law, such as the right to health or the right to water. It is also called upon to take up issues relating to environmental law in its role of promoting the best interests and rights of the child, which include the right to live in a balanced environment that respects health.

For example, it investigates complaints relating to water use, fire and flood control, noise pollution, and the policing of

environmentally-classified facilities and, in particular, the pollution they may cause.

Complaints are also lodged with the Defender of Rights with regard to aid set up to support victims of climatic incidents or to assist people in fulfilling their obligations under environmental law, or to obtain grants (“MaPrimeRénov”), or even more specifically for people in precarious situations (energy cheque scheme, for example).

In 2024, environmental complaints related in particular to noise pollution from rail and road structures. On a number of occasions, the intervention of the Defender of Rights has led to an amicable settlement of the dispute, with measures adopted to reduce the noise pollution. Referral to the Defender of Rights can therefore be useful in ensuring that the public authorities carry out the necessary work to reduce “noise black spots”, i.e. to protect homes exposed to noise levels above the accepted thresholds, by erecting noise barriers or soundproofing facade walls.

Several complaints concerning air or soil pollution were also submitted to the Defender of Rights in 2024. The operation of facilities classified for environmental protection purposes (ICPE) is subject to environmental policing under the jurisdiction of the prefecture, and the Defender of the Rights has had to refer situations to the prefectural authorities in which the pollution produced did not seem to be under control. While in some cases the prefecture was able to demonstrate that there was no pollution or had adopted measures to control it, in other cases it was the intervention of the Defender of Rights that led the prefectural services to exercise their policing powers and put an end to the reported pollution.

It should also be noted that some people have lodged complaints with the Defender of Rights to ensure that environmental law is respected, without necessarily having suffered any harm themselves, but as whistleblowers. On the one hand, the institution was able to direct them to the relevant authorities to investigate potential environmental damage, and on the other, it was able to analyse reprisals – such as dismissal – suffered after a report had been made.

B. THE WORK OF THE DEFENDER OF RIGHTS IN PROMOTING RIGHTS

In 2024, the theme of the environment was mainly addressed, as part of its work to promote rights, in two of the documents produced by the institution: the annual report on the rights of the child and the opinion to Parliament on the bill on agricultural sovereignty and the renewal of generations in agriculture.

1. The 2024 Annual Report on the Rights of the Child: “Children's right to a healthy environment – Protecting children and safeguarding the future”

Pursuant to article 36 of the *loi organique* [framework law] on the Defender of Rights, the institution submits a report on children's rights to the President of the French Republic, the President of the National Assembly and the President of the Senate on International Children's Rights Day, 20 November each year. In 2024, this report focused on the impact of environmental damage on children's rights.

Prior consultation with children

In order to prepare this report, over 3,400 children and young people were interviewed through the involvement of over 200 partner organisations: primary school children, secondary school pupils, children in activity or community centres, young elected representatives, children in care or supported by medical-social action centres, child protection services or judicial youth protection services, children in hospital, children in welfare hostels, children living in traveller communities, squats or shanty towns, as well as juvenile offenders. For the first time, children from the French overseas territories were able to take part in this consultation.

The contribution of the children, which can be seen on the Defender of Rights website “J'ai des droits, entends-moi” (I have rights, listen to me), have made it possible to incorporate their points of view, observations and proposals into this report.

Key messages of the report

Based on situations brought to the attention of the institution, hearings with experts and the national consultation with children, the report highlights breaches of the most fundamental human rights – the rights to life, safety, health, housing and dignity – and underlines the urgent need to act in view of the serious risks posed by environmental damage to the most vulnerable people in society, foremost among which are young people.

The report begins by recalling the need to build a legal framework for environmental protection and public policies that take account of the particularly vulnerable situation of children. With equivalent exposure, children are more affected by environmental damage, particularly widespread pollution and global warming, which have consequences for access to vital resources. The aim is to ensure that children can breathe clean air, have access to safe drinking water and quality food.

This harm occurs in all the environments in which they live (homes, schools, community facilities, outdoor spaces, etc.). Some children are more at risk than others: social and territorial inequalities exacerbate breaches of the right to a healthy environment. Children in precarious situations, those living in priority urban neighbourhoods, where large amounts of concrete are used, or in camps, or minors in detention, are particularly exposed to the risks posed by environmental damage. Similarly, children living in the French overseas territories are subject to extreme climatic and environmental conditions, with water and soil pollution in particular.

Finally, the report stresses the importance of access to objective information and education in environmental protection, in order to provide children with better support in the face of growing concern, which hinders their development and their ability to plan for the future. The institution pointed out that on this point, children's views must be taken more fully into account in public policy decisions that have a direct impact on their present and future daily lives.

Follow-up to the report

At national level

The annual report on children's rights was presented on 20 November to mark International Children's Rights Day. Over 300 people attended the event, including 130 children. Drawings, sculptures and videos from the consultation were exhibited as part of the event and a number of activities were run with the children: they aimed to present the content of the report, the "Let's Talk Young" (*Parlons Jeunes*) project of the European Network of Ombudspersons for Children, which gives a voice to children, the "Draw Me a Right" (*Dessine-moi le droit*) exhibition of Educadroit or the actions of non-profit organisations committed to preserving the environment such as "Notre Affaire à Tous".

In addition to this event, the findings and recommendations of the annual report on the rights of the child were taken up by various bodies. Éric Delemar, Deputy Defender of Rights and Ombudsperson for Children's Rights, gave a presentation to the *Haut Conseil de la Famille, de l'Enfance et de l'Âge* (HCFEA - High Council of Family, Childhood and Old Age) on 21 November 2024.

In the regions

On 20 November 2024, the Hauts-de-France regional branch took part in a symposium organised by the *École Nationale de la Projection Judiciaire de la Jeunesse* (ENPJJ - French National Academy for Youth Protection and Juvenile Justice) to mark the 35th anniversary of the International Convention on the Rights of the Child. The day was devoted specifically to the new issues and challenges ahead. The regional branch presented the institution's practice in terms of involving children. The event provided an opportunity to talk to the students and the professionals invited, and to explain how the institution incorporates the principle of participation set out in article 12 of the Convention into both the protection and promotion of rights. The event provided the institution with the opportunity to present its children's consultation guide, the history of children's consultation and the key points of the 2024 report on children's right to a healthy environment.

The Occitanie regional branch also presented the annual report on children's rights to a healthy environment at a round table organised on 25 November at the University of Nîmes, in partnership with the Gard departmental council, the association "Défense des Enfants International" and the UNICEF Languedoc-Roussillon Territorial Committee.

The report was also presented by the Nouvelle-Aquitaine regional branch at a conference organised by the Fondation Apprentis d'Auteuil and the Bordeaux Bar Association on 5 December 2024. Based on the testimonies of young people, the observations and issues raised by the institution regarding the impact of environmental damage on children's fundamental rights were presented.

At European level

The Defender of Rights also presented its work at a seminar organised in Brussels on 20 and 21 November 2024 by the European Network of Anti-Discrimination Bodies (Equinet), entitled "Focus on climate change and its implications for equality: tools for equality bodies." The aim of the seminar was to develop and improve equality bodies' knowledge and understanding of the link between climate change and inequality.

In addition to representatives from equality bodies, international and European political decision-makers, experts and academics, as well as representatives of civil society organisations, all shed light on the subject.

The seminar built on the work done previously by Equinet, in particular a Preliminary Equality Impact Assessment of the EU Green Deal. The seminar served as a reminder of the disproportionate impact of climate change on the most vulnerable groups in society, such as women, children, the elderly and minorities, with people's social situation also being a determining factor. It also revealed that relatively few anti-discrimination bodies had been able to get to grips with the subject.

After presenting the annual report on children's right to a healthy environment, the Defender of Rights gave an overview of the complaints received, particularly concerning access to water in overseas territories. It also highlighted the topography of areas used by traveller communities, which are often located close to or on polluted sites.

2. Opinion on the bill on agricultural sovereignty and the renewal of generations in agriculture

In April 2024, the government submitted a bill on agricultural sovereignty and the renewal of generations in agriculture to Parliament for consideration. In its opinion to Parliament No. 24-04 on this bill, adopted in May 2024 on first reading in the National Assembly and still awaiting examination by the Senate, the Defender of Rights drew on two central texts for the protection of environmental rights for the first time: the Environmental Charter and the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters.

This bill included a provision reducing the scope for challenging certain decisions concerning major agricultural projects. Guaranteeing the right to a remedy, and in particular the right of access to a court, is

of particular significance in the context of disputes relating to projects or public policies that affect the environment. These projects or public policies are likely to affect the right to live in a healthy environment, guaranteed in particular by article 1 of the Environmental Charter, for a wider public distinct from the project sponsors or the direct beneficiaries of public policies. This public, because it is not addressed directly by the administration's decisions, may not be able to access information about these decisions, participate in the decision-making process or challenge them legally in a court. Article 9(3) of the Aarhus Convention therefore requires States Parties to ensure that everyone has *"has access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment."* Although this provision has no direct implications in domestic law, the right to a remedy, and in particular the right of access to a court, must be interpreted in the light of this specific requirement, which is intended in particular to enable disputes involving numerous conflicting interests and rights to be decided by an impartial third party⁴⁵. As a result, only compelling reasons can justify restricting the right to a remedy, and in particular access to a court, in environmental matters.

However, the litigation reform introduced by the bill, and particularly the restriction on the ability to file a summary proceeding challenging a decision concerning certain agricultural projects, limits access to a court of law for opponents of these projects without providing sufficient justification. The impact study does not provide any justification for such a restriction on litigation. In her opinion, the Defender of Rights therefore considered that this reform bill represented a disproportionate breach of the right to remedy.

PART 4

THE LIFE OF THE INSTITUTION

The life of the institution, both internally and through the relationships it forges with its institutional partners, reflects the dynamism and commitment of its employees and delegates. The actions undertaken within this framework not only enhance the visibility and impact of its work, but also consolidate what is now a central role in the defence and promotion of rights and freedoms. Lastly, the institution's human and financial resources must guarantee the effectiveness of its action, as well as its ability to innovate in order to anticipate and meet new challenges linked to the defence of rights and freedoms.

I. DRAWING UP A SET OF STRATEGIC GUIDELINES

In 2024, for the first time, the Defender of Rights produced a set of strategic guidelines. This is part of a process of clarifying and anticipating the challenges facing the institution.

Produced collectively by internal resources, it takes stock of the work already carried out by the institution and provides a roadmap for the work planned up to 2026, as well as the long-term directions needed for the institution, specifying the priorities, objectives and levers to be mobilised to meet the challenges ahead. The aim is to ensure continuity and achieve greater clarity in the actions undertaken, while integrating a longer-term outlook to guarantee the sustainability of the work done by the Defender of Rights.

By sharing a common level of information and clear guidelines, this single document aims to facilitate cross-disciplinary work based on a shared strategy.

With this unprecedented initiative, the Defender of Rights reiterates its desire to structure its action with greater clarity and coherence, so that all employees and delegates share a concerted and ambitious strategy.

II. TWO HIGHLIGHTS FOR THE INSTITUTION IN 2024

There were two highlights in 2024: the Delegates' convention, an internal meeting dedicated to sharing experiences and strengthening ties between volunteer delegates and employees, and the "Place aux droits!" event organised in Marseille to reach out directly to local residents who might never have otherwise approached the institution.

A. DELEGATES' CONVENTION

On 20-21 June 2024, the Defender of Rights invited all those working on behalf of the institution – 620 volunteer delegates who receive the public nationwide, as well as 256 employees – to meet up to discuss subjects of common interest related to the exercise of its missions.

On the first day of the convention, a number of guest speakers took part in round table discussions chaired by Claude Sérillon with employees and delegates. Bernard Stirn, Permanent Secretary of the *Académie des Sciences Morales et Politiques* (Moral and Political Science Academy) and former President of the Litigation Section of the Council of State, and Nicolas Duvoux, sociologist and President of the *Conseil National des Politiques de Lutte contre la Pauvreté et l'Exclusion Sociale* (National Council for Policies to Combat Poverty and Social Exclusion), shared their views on the context in which the institution operates today, marked by a weakening of rights and freedoms. It was an opportunity to question the place of the Defender of Rights among the remedies available to people seeking to have their rights recognised.



Defender of Rights' delegates convention

Frédérique Agostini, a magistrate and President of the National Mediation Council, reviewed the increasing role of mediation in dispute resolution, and the place of the Defender of Rights and its delegates in today's mediation landscape.

Finally, Nathalie Latour, Director General of the *Fédération des acteurs de la solidarité* (Federation of Solidarity Actors), spoke about the difficulties experienced by vulnerable people in accessing their rights and just how important it is that institutions such as the Defender of Rights, which are in direct contact with these people, also publicise the scale of these difficulties.

The second day was devoted to practical workshops on all the issues falling within the remit of the Defender of Rights, enabling the regional delegates and head office employees to work together. Workshops and debates provided an opportunity to take stock of the institution's strategy for defending the rights of foreign nationals, its work in prisons, the practice of mediation in discrimination cases and the challenges posed by artificial intelligence.

An important moment for the institution to come together, this event reaffirmed

the unwavering commitment of volunteer delegates and employees to defending rights and freedoms.

A question for...

Marie-Hélène Simonnet

Delegate for the Var department

As a delegate in France, what did the convention held in Paris mean for you?

"The Convention provided a break in the lives of the delegates. Sharing experiences with other delegates and head office employees was especially rewarding, creating a sense of belonging and mutual support. By listening to other people's accounts, we can put our own difficulties into perspective and find solutions. We all share the same concerns. I also enjoyed the various sessions led by Claude Sérillon. His experience in journalism combined with his ability to captivate the audience's attention made it possible to tackle complex and even distressing subjects concerning respect for rights and freedoms, particularly for the most disadvantaged."

B. “PLACE AUX DROITS!” EVENT IN MARSEILLE

The Defender of Rights chose Marseille as the location for its 7th “Place aux droits!” event. In France’s second largest city, where there are many divides and major difficulties in accessing rights, more than forty representatives of the institution, employees and delegates, met with local residents who might never have pushed open the door of an office or contacted the institution online.

By spending two days on 4 and 5 October 2024 at Porte d’Aix, as well as half a day at the “L’Agora” social centre in the Busserine district (14th *arrondissement*), the Defender of Rights’ teams were able to talk directly with people facing a wide range of difficulties: access to healthcare, housing conditions, daily transport, etc. By providing information and contacts, and sometimes by opening complaints directly, employees and delegates were able to help users find out about and assert their rights.

The Defender of Rights also met young people from the north of the city as part of the recording of a podcast dedicated to issues of discrimination and security ethics.

Based on observations made during these discussions, the Defender was also able to exchange views with all the institutional stakeholders to ensure that each of them, within its remit, works effectively to ensure that rights are respected.

A question for...

Laurence Hudry

Head of the Provence-Alpes-Côte-d’Azur - Corsica regional branch

What led you to set up a “Place aux droits” event in Marseille?

*“Marseille is a sprawling city, with significant contrasts between its highly privileged neighbourhoods and others, particularly the 3rd *arrondissement*, where there is a concentration of highly vulnerable people. In fact, this district is one of the poorest in the country.*

We wanted to hold this “Place aux droits!” event as close as possible to the people whose needs are greatest, but who are often also the furthest removed from the law and institutions. That’s why Porte d’Aix – which is well known to the people of Marseille, is very easy to access and yet sits at the crossroads of the city’s most disadvantaged neighbourhoods – was an obvious choice both for us and for the services of the City of Marseille, which supported us in this project.

Being more familiar to everyone and reaching out to people who have often given up on exercising their rights were the main challenges of this “Place aux droits!” event. I think we succeeded in this respect, as we had nearly 600 people visit our stand, not to mention the many discussions we had with passers-by to inform them about the work of the Defender of Rights.

*The event also gave us an opportunity to strengthen the network of delegates who are particularly in demand in this area, by setting up two new offices in Marseille in places where the public can easily reach us: the Marseille LGBTQIA+ centre and the “Désirée Clary” local municipal office, in the heart of the 3rd *arrondissement*.*

We can see that in the space of just a few weeks, the new duty sessions have clearly been spotted by the local residents!”

III. INSTITUTIONAL RELATIONS

The Defender of Rights maintains rich and varied institutional relations with a number of key players, including in Parliament, the judiciary and universities. It also relays its concerns and recommendations to European and international bodies, particularly in reports or contributions on the implementation by central government of international conventions to which it is a signatory.

A. RELATIONS WITH THE FRENCH PARLIAMENT

The Defender of Rights has many links with the French Parliament. In accordance with article 71-1 of the Constitution, it is appointed by the President of the French Republic for a non-renewable six-year term only after the relevant standing committee of each assembly has given its public opinion. During its term of office, the Defender of Rights submits an annual report on its activities to the President of the French Republic and to Parliament. The Defender of Rights submitted the 2023 activity report to the President of the French Republic on 16 September 2024, subsequently appearing before the Senate on 10 April 2024 and the National Assembly on 9 October 2024 (date postponed due to the legislative elections), to present the report.

The Defender of Rights is also regularly interviewed as part of legislative work (committees, inquiry commissions, fact-finding missions, study groups, etc.) relating to its remit. In 2024, due to less legislative activity because of the parliamentary elections, the Defender of Rights was summoned to appear – in addition to the two hearings to present her annual activity report to each chamber – on nine occasions:

- Information mission on riots taking place after 27 June 2023 (Senate), 9 February 2024

- Bill to combat discrimination through individual and statistical testing (Senate), 15 February 2024
- Information mission on unaccompanied minors (National Assembly), 5 March 2024
- Bill intended to recognise and punish “hair discrimination” (National Assembly), 12 March 2024
- “Travellers” study group (National Assembly), 9 April 2024
- Budget bill for 2025 (National Assembly), 26 September 2024
- Budget bill for 2025 (National Assembly), 7 November 2024
- Inquiry commission into the failings of child protection policies (National Assembly), 12 November 2024
- Bill intended to restore the authority of the justice system with regard to juvenile offenders and their parents (National Assembly), 21 November 2024

In addition to recommendations that the institution makes to public authorities in some of its reports and decisions, which are aimed at amending or supplementing legislative or regulatory texts to strengthen the protection of rights and freedoms, it may also issue opinions to Parliament on bills or draft legislation under discussion that fall within its remit. In 2024, the institution thus submitted seven opinions. Some have already been mentioned in this report:

- Opinion No. 24-01 of 18 January 2024 on the bill on the legal framework for class actions ⁴⁶;
- Opinion No. 24-03 of 29 March 2024 on the bill making the State responsible for providing appropriate human support of pupils with disabilities during lunchtime⁴⁷;
- Opinion No. 24-04 of 26 April 2024 on the bill on agricultural sovereignty and the renewal of generations in agriculture⁴⁸.

Four other opinions have been issued:

Opinion No. 24-02 of 29 January 2024 on the bill on measures to build a society promoting healthy ageing in France

For several years, we have been waiting for a “major law on autonomy in old age” to be added to the parliamentary agenda in response to the challenge posed by the ageing of the French population. To compensate for the many postponements of this law, a bill on measures to build a society promoting healthy ageing was tabled in Parliament and was subsequently passed into law⁴⁹.

The Defender of Rights took the opportunity to publish an opinion on this bill, setting out her observations, points for attention and recommendations. She was also interviewed in 2023 by the National Assembly’s “Life expectancy and society adapting to population ageing” study group.

In its opinion, the institution calls for a cross-disciplinary approach to be adopted for all people who need support to become independent, encompassing disability and old age, to ensure equal treatment. It also calls for measures to make existing rights and freedoms more effective, to provide the resources needed to deliver high-quality support, to respect the wishes of vulnerable people and implement measures to combat abuse, improve the legal protection of all protected adults to ensure that it is consistent, and support non-professional family carers, in particular by creating a status for carers.

Opinion no. 24-06 of 4 June 2024 on the bill on developing the supply of affordable housing

The bill on developing the supply of affordable housing was intended to respond to the housing crisis by proposing to strengthen the role of mayors in housing policy, improve mobility in social housing and simplify town planning procedures.

The opinion of the Defender of Rights highlighted the risks of breaches of fundamental rights, such as the right to a decent standard of living, that would ensue from the bill, weakening access to social housing for people in precarious situations and a large proportion of the middle classes. 70% of the French population is currently eligible for social housing.

In particular, weakening the Urban Solidarity and Renewal Act of 13 December 2000, which allowed municipalities to count intermediate rent housing towards part of their social housing targets, risked reducing supply to the detriment of the most modest households. Finally, by transferring the prefectoral quota reserved for priority applicants to local mayors and “Action logement”, the bill risked excluding the most vulnerable, such as the beneficiaries of the enforceable right to housing. The bill has not yet been passed into law.

Opinion No. 24-05 of 6 May 2024 on the bill intended to govern medical practices in the care of minors with gender-related issues

Concerned about the effects of this bill, which could breach children’s rights and best interests, the Defender of Rights reiterated in this opinion the importance of an approach based on a non-pathological conception of transgender identity and of a national strategy for child psychiatry that takes into account the mental health needs of all children.

A question for...**Clémence Armand**

“Gender and Sexual Orientation” Officer,
“Civil Society Relations, Studies and
Documentation” division

Why did it seem necessary to issue an opinion on the bill intended to govern medical practices in the care of minors with gender-related issues?

“This bill aimed to ban medical transitions for transgender minors, based on the conclusions of a report on the ‘transgender identification of minors’, which indicated that trans minors had easy access to hormone treatments without serious medical supervision, and that these transitions were ‘encouraged’ by non-profit organisations and schools. However, what we have seen from the non-profit organisations concerned refutes these allegations. Of course, we believe it is essential to observe great caution, and scientific and medical rigour when prescribing hormones to minors. The framework for medical care involving minors (whether transgender or not) must remain that of the pursuit of the child’s best interests, and of accurate information on treatments and side effects for both the minor and his or her legal representatives, in order to guarantee their informed consent.

This bill was also likely to lead to discrimination between transgender and cisgender children when it came to prescribing treatment.

Lastly, this opinion was an opportunity to reiterate our recommendations concerning respect for gender identity at school and the need to introduce education sessions on emotional, relational and sexual life, in order to combat transphobia and bullying at school.”

Opinion no. 24-07 of 21 November 2024 on the bill intended to restore the authority of the justice system with regard to juvenile offenders and their parents

Put forward in the National Assembly on 15 October 2024, this bill aims to restore the authority of the justice system with regard to juvenile offenders and their parents by amending several articles of the juvenile criminal justice code, the criminal code and the civil code, allowing parents to be punished for acts committed by their children and modifying the judicial treatment of minors who have committed criminal offences. Ultimately, this bill aims to bring the criminal treatment of minors closer to that of adults.

In her opinion, the Defender of Rights points out that the bill was tabled without any prior analysis of the impact of recent criminal policies and without involving relevant professionals (police, gendarmerie, judiciary – magistrates, lawyers, youth protection professionals, etc.). She also noted that the text calls into question certain fundamental principles and would lead France to break with its international commitments, especially the International Convention on the Rights of the Child. She reiterated that the specific nature of justice for young offenders and the priority given to educational measures are fundamental principles of juvenile criminal law.

B. RELATIONS WITH STAKEHOLDERS FROM THE JUSTICE SYSTEM

In addition to the findings that the Defender of Rights regularly submits to the courts as part of disputes falling within its remit, on the basis of Article 33 of the *loi organique* [framework law] of 29 March 2011, the institution maintains regular links with all those involved in the justice system. These include promotion and training initiatives, aimed at raising awareness of the institution, its investigative powers and means of intervention, its relations with the judicial authorities and its work.

Participation of the Deputy Defender of Rights in charge of compliance with security ethics at the symposium held on 6 December 2024 at the Court of Cassation

Invited by the Court of Cassation and the Universities of Paris-Panthéon-Sorbonne and Paris-Panthéon-Assas, Céline Roux, Deputy Defender of Rights in charge of compliance with professional ethics in the field of security, took part in the *Treizièmes rencontres de procédure civile*, a symposium devoted to the interests of third parties in civil proceedings. The event provided an opportunity to discuss the special role of the Defender of Rights in legal proceedings when it submits findings in court on the basis of Article 33 of the *loi organique* [framework law] of 29 March 2011, as it did 109 times in 2024. Distinct from those of other third parties provided for in the Civil Procedure Code, its intervention is recognised as a useful insight for the court, based on its knowledge of breaches of rights, acquired in the exercise of its various missions.

2024 was primarily an opportunity to consolidate ties with the *École Nationale de la Magistrature* (ENM - National School for the Judiciary), through various initiatives. Since 2018, a partnership has been established with the ENM, providing for the intervention of the Defender of Rights in the initial and ongoing training of ordinary judges. The aim is to make these professionals more aware of the institution's remit and powers, and to encourage cooperation, while respecting each other's prerogatives: the Defender of Rights was devised as another means, both different from and complementary to the courts, of ensuring that rights are accessible and effectively benefit everyone, particularly those who are furthest from them.

This year, Claire Hédon, Defender of Rights, and Nathalie Roret, Director of the ENM, have decided to strengthen this partnership. At the outset of their training, future magistrates

learn about the missions and means of action of the Defender of Rights, as well as the ways in which they can work together, through a dedicated educational video. During their training, some of them spend time with the institution as part of work placements. Before the judges take up their duties, the Defender addresses them at a topical conference. Lastly, as part of their ongoing training, the institution organises a three-day course each year for around twenty practising magistrates, and the Defender of Rights' teams take part in certain continuing learning initiatives designed and implemented by the ENM. The institution also took part in two training courses as part of its continuing learning programme, one on protected adults, to present the complaints it receives and the recommendations it makes, and the other on the whistleblower guidance and protection.

Devolved training courses can also be defined and implemented for magistrates within the jurisdiction of the court concerned. In June 2024, for example, teams from the Defender of Rights took part in a training course for court registrars at the Paris Court of Appeal on non-discrimination law.

For the first time, on 12 December 2024, the Defender of Rights appeared before the *Conseil Supérieur de la Prud'homie* (High Council of Employment Tribunals) to present the institution, its work in the fight against discrimination in private employment and legal findings it has submitted to employment tribunals, to which it is regularly referred.

Similarly, on 27 November 2024, the institution took part in a training course jointly organised by the *Conseil National des Barreaux* (CNB - French Bar Council) and the *Observatoire International des Prisons* (OIP-SF - International Observatory on Prisons - French section) on violence committed against prisoners whilst incarcerated. Earlier in the year, the Defender of Rights spoke at the General Assembly of the CNB. She emphasised the importance of the role of lawyers in ensuring the rights of the defence and the effectiveness of rights, as well as in referrals to the institution.

The Defender of Rights is also called upon at regional level, for example in June 2024, as part of a training course open to the entire Bordeaux Bar Association on the subject of unaccompanied minors.

Speech by the Defender of Rights to public prosecutors and the Court of Cassation at a symposium

As part of ongoing exchanges with the judiciary and her desire to strengthen the ties between the Defender of Rights and the courts, the Defender of Rights was able to address all public prosecutors on 10 April 2024.

On 3 May 2024, she gave the closing speech at a symposium celebrating the 50th anniversary of France's ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, at the Court of Cassation, in the presence of the First President of the Court of Cassation and the Chief Prosecutor. In particular, she highlighted the use of the provisions of the Convention by the Defender of Rights in dealing with the complaints it receives and the opinions it submits to Parliament.

C. RELATIONS WITH RESEARCH CENTRES AND UNIVERSITIES

As stipulated in article 34 of the *loi organique* [framework law] on the Defender of Rights, the institution supports research relating to its areas of competence. However, exchanges with research centres and universities are not limited to the funding of studies by the Defender of Rights. They permeate many aspects of the institution's work: some lecturers and researchers are members of the Defender of Rights' advisory committees, the Defender is the patron of certain student classes, more or less formal meetings are organised throughout the year with Defender of Rights departments and/or the Defender herself (hearings, bilateral meetings, etc.), some employees contribute to the training of students, etc.

1. The Defender of Rights' doctoral thesis prize

Since 2015, the Defender of Rights' doctoral thesis prize has been awarded each year for research carried out in a legal discipline or in the human, social and political sciences (economics, geography, history, sociology, anthropology, etc.) relating to one of its missions. The prize is awarded by a judging panel of leading figures from the academic world.

In 2024, the panel for the doctoral thesis prize was made up of Pierre-Yves Baudot (Professor of Sociology, Université Paris-Dauphine), Lucie Cluzel-Metayer (Professor of Public Law, Université Paris-Nanterre), Thierry Delpeuch (CNRS researcher, UMR Pacte, Université Grenoble Alpes), Pascale Deumier (Professor of Private Law, Université Jean Moulin Lyon 3), Danièle Lochak (Emeritus Professor of Public Law, Université Paris-Nanterre), Élise Palomares (Professor of Sociology, Université de Rouen), Delphine Tharaud (Professor of Private Law and Criminal Sciences, Université de Limoges), Vincent Tiberj (Professor of Political Sociology, Sciences Po Bordeaux), Pascal Tisserant (Senior Lecturer in Social Psychology, Université de Lorraine-Metz), Arthur Vuattoux (Senior Lecturer in Sociology, Université Sorbonne Paris Nord).

The panel decided to award prizes to two theses:

- “Le critère de la richesse des particuliers en droit public français” (The criterion of wealth among private individuals in French public law), by Sarah Philibert, under the supervision of Gweltaz Éveillard, presented in a viva on 14 December 2023 at the Université de Rennes. This doctoral thesis on public law analyses the wealth of individuals as a criterion for modulating French public law. It examines the reception by public law of the economic concept of wealth and the consequences of this reception for individuals in exercising their rights and freedoms.

“This prize reinforces my belief that I have tackled a social issue, and that we need to think globally about the wealth of individuals.”

Sarah Philibert

- “Quand la race fait école : place et rôle de la race dans l’activité professionnelle des enseignants des territoires hyper-paupérisés” (When race creates a precedent: the place and role of race in the professional work of teachers in extremely impoverished areas), by Laura Foy, under the supervision of Nicolas Sembel, presented in a viva on 24 March 2023 at the Université d’Aix-Marseille. This doctoral thesis in educational science takes a qualitative, comprehensive and intersectional approach to analysing the place and role of race in the professional activities of teachers working in Marseille’s high priority education network (REP+) schools.

“This recognition is a gateway to combating injustice and discrimination against pupils.”

Laura Foy

2. Legal clinics: gaining a better understanding of why complaints are dropped

Every year, the Defender of Rights works in partnership with students involved in legal clinics.

In 2024, the institution was supported by 32 students at seven legal clinics (Sciences Po Paris – “Access to rights” and “Migration” clinics – and the law faculties of Clermont-Ferrand, Poitiers, Lyon 3, Grenoble and Paris 8) in gaining a deeper understanding of the reasons that may force some users to waive their rights. As part of this process, the students interviewed almost 500 claimants to gather their opinions on the way in which their cases are monitored by the Defender of Rights in the field of discrimination.

This partnership is part of an overall approach aimed at making the institution ever more accessible to people who are far removed from it: people who do seek assistance from the institution in the first place and also those who drop their case during the investigation. Not only has this work enabled us to gain

a better understanding of the reasons why claimants withdraw complaints, but it has also enabled us to make recommendations, some of which have already been implemented: more information given to claimants when their case is closed, redirection to delegates to facilitate discussions, acknowledgement of receipt when additional documents are submitted, etc.

3. Organising and taking part in scientific events

The Defender of Rights organises or hosts scientific events on its premises. In addition to the study day on discrimination (“Anti-discrimination: from individual action to systemic levers”) and the symposium on administrative forms (“What forms do to the law”), mentioned above, the institution also organises events to promote the publication of studies or reports, to which it invites professionals, stakeholders from civil society and researchers.

Furthermore, since the end of 2020, the Defender of Rights has been organising regular “Knowledge Meetings” for its employees and delegates, with the aim of exploring concepts in greater depth, shedding light on issues and updating employees’ knowledge. Speakers have included legal experts, sociologists, heads of non-profit organisations and public policy-makers, who are invited to talk on a particular topic or to report on recent work. In 2024, four meetings were organised on a variety of topics: “Urban riots in the summer of 2023”, “Resistance in the fight against racism”, “The report on the state of public services by the ‘Nos services publics’ collective” and “The right to control one’s own body”.

The Defender of Rights and her teams are also asked to take part in numerous scientific events organised outside the institution.

INEDITES first day: INégalités et Discriminations sur le Terrain de l'Enseignement Supérieur (Inequalities and discrimination in higher education)

On 20 September 2024, a study day was held on “Anti-discrimination and violence in higher education and research”, organised by the *Observatoire national des discriminations et de l'égalité dans le supérieur* (ONDES - National Observatory on Discrimination and Equality in Higher Education), with the support of the Defender of Rights. On this occasion, the results of two complementary surveys were presented: one on “Discrimination in recruitment in higher education and research”, the other reviewing the results of the above-mentioned survey, “Condemning discrimination experienced at university: from silence to revelation and reporting”, published in April 2024 by the Defender of Rights⁵⁰.

Participation of the Defender of Rights in the summer session of the René Cassin Foundation

On 24 June 2024, the Defender of Rights opened the 53rd summer session of the René Cassin Foundation in Strasbourg, which aims to defend and promote human rights and fundamental freedoms through teaching and research. This was an opportunity to show the role played by the Defender of Rights in the human rights protection system (both in domestic law and internationally), in terms of its constitutional foundation, the history of the institution, its current operation and its role (in particular) in relation to supranational courts and organisations.

D. INTERNATIONAL NETWORKS AND THE MONITORING OF INTERNATIONAL CONVENTIONS

In 2024, the Defender of Rights continued its work at European and international level, both in liaison with European and international organisations (Council of Europe, United Nations) and through its peer networks.

1. The work of the Defender of Rights in relation to European and international organisations

On 25 April, the Council of Europe's European Commission against Racism and Intolerance (ECRI)⁵¹, the CNCDH and the Defender of Rights organised a day of discussions in Paris on the follow-up given or to be given to the recommendations contained in ECRI's report on France, published in 2022.

Day of discussions in Paris at the invitation of the European Commission against Racism and Intolerance

The Defender of Rights contributed, alongside the CNCDH, to the organisation of a day of discussions held on 25 April 2024 in Paris, at the initiative of the Council of Europe's ECRI.

In its 2022 report on France, the ECRI expressed concern about issues surrounding the extent to which hate speech, including in politics, audiovisual media and on social media, was contributing to creating an environment conducive to acts of violence against Travellers and Roma, persons of non-European immigrant background, LGBTI persons and persons perceived as Jewish or Muslim. ECRI thus expressed particular concerns about discrimination against Travellers and Roma and about relations between members of the police force and the general public, especially young men considered to be people of colour or of Arabic origin.

As a result, ECRI made 15 recommendations to the French authorities, two of which it considered to be priorities and which were examined in the autumn of 2024:

- Recognise caravans as a type of accommodation and review restrictions in place on parking them

- Introduce an effective system for recording identity checks by law enforcement officers

These two points, which concur with the long-standing recommendations of the Defender of Rights and the CNCDH, were at the heart of the round table discussions held on 25 April 2024. Representatives from the public authorities, as well as from civil society, contributed to the debates. Claire Hédon, George Pau-Langevin, deputy in charge of anti-discrimination, and Céline Roux, deputy in charge of compliance with security ethics, took part in the debates, recalling the situations experienced by the people who refer cases to the institution and the recommendations it makes.

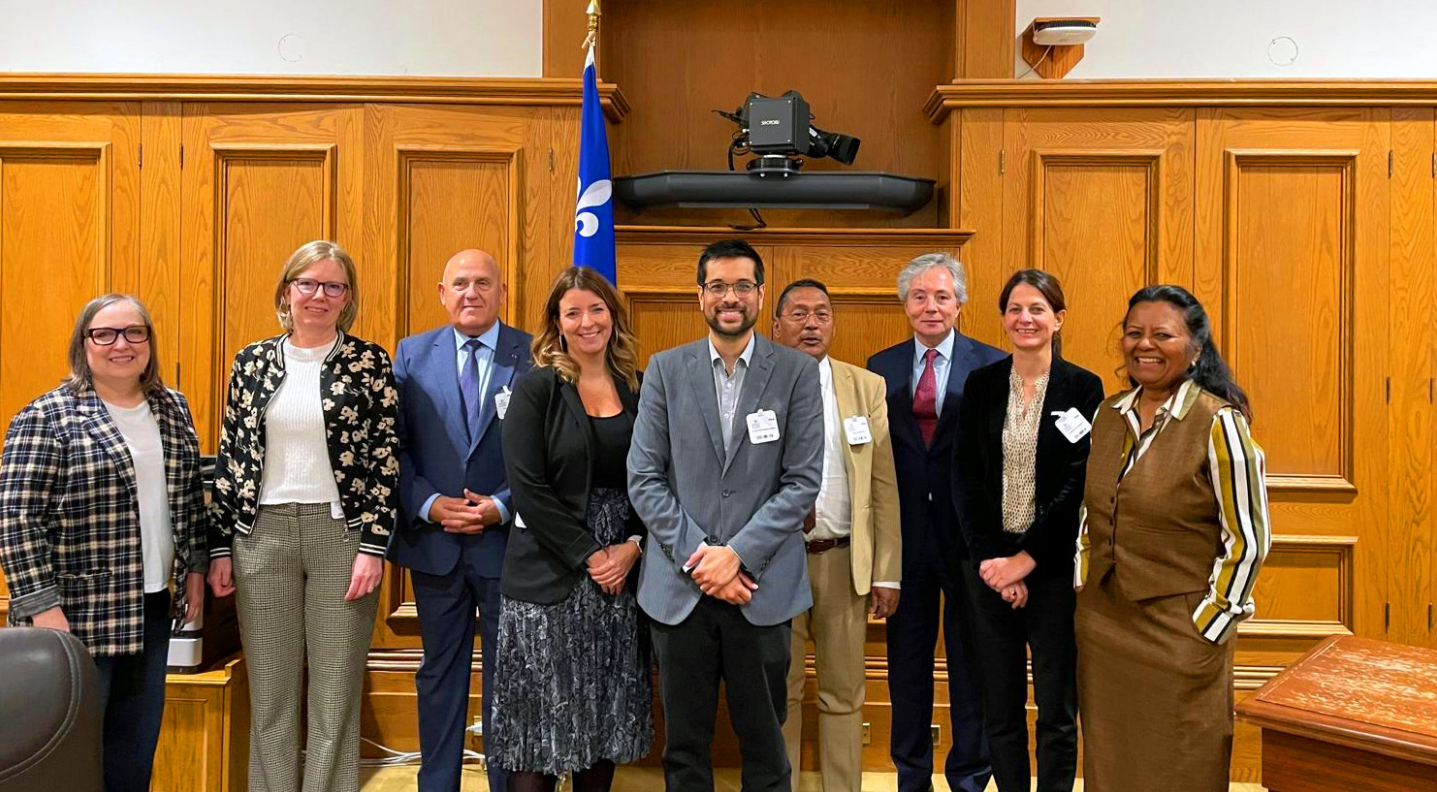
At the end of the day's discussions, a consensus seemed to emerge on recognising the caravan as a type of accommodation and on the need to implement the measures required to put an end to discrimination against Travellers on account of the particularities of their lifestyle, especially as regards access to social benefits. With regard to the traceability of identity checks, the participants agreed that the current system did not allow discriminatory checks to be effectively challenged before a judge, therefore creating a feeling of injustice among those checked and contributed to a deterioration in the relationship between the police and the general public. Discussions between the participants provided an opportunity to review the work of the various institutions that have had to deal with this issue (Court of Cassation, Council of State and Court of Audits) and to hear a number of voices raised in favour of a traceability system, which would provide guarantees of transparency and strengthen the right to an effective judicial remedy.

This seminar enabled ECRI to sound out all the stakeholders on these two priority issues. Its conclusions were published in February 2025.

Contribution to the 6th periodic review of France by the United Nations Human Rights Committee

In 2024, the Defender of Rights also submitted its contribution to the 6th periodic review of France by the United Nations Human Rights Committee, which is responsible for monitoring application of the International Covenant on Civil and Political Rights by State parties. This contribution presented both general concerns about the state of rights and freedoms in France and the institution's recommendations in a number of areas. The conclusions of the Human Rights Committee, published on 7 November 2024, echoed several of the Defender of Rights' recommendations, in particular regarding the need to put an end to discriminatory identity checks, detention conditions and prison overcrowding, excessive use of force by law enforcement officers, breaches of the freedoms of expression, assembly and association, the situation of foreign nationals at the French-Italian border, the situation of French children held in Syria, and the lack of supervision regarding surveillance and artificial intelligence by the French authorities.

In addition, throughout 2024, the Defender of Rights met with several representatives of European and international organisations, such as Mary Lawlor, UN Special Rapporteur on the situation of Human Rights Defenders, Michel Forst, UN Special Rapporteur on Environmental Defenders, who travelled to France to meet opponents of the A69 motorway project before publishing a report on the subject; Michael O'Flaherty, the Council of Europe's new Commissioner for Human Rights; and representatives of the European Commission, responsible for producing the annual report on the rule of law in each EU Member State.



12th AOMF Congress, Quebec.

2. Peer networks

As already mentioned, once again this year the Defender of Rights contributed to the various peer networks of which it is an active member (Equinet, NEIWA⁵³), coordinator (IPCAN⁵⁴), or secretary general (AOMF⁵⁵).

12th AOMF Congress in Quebec

The *Association des Ombudsmans et Médiateurs de la Francophonie* held its 12th Congress in Quebec City from 15 to 18 October 2024, bringing together more than 100 participants, including ombudsmen, mediators, academics and experts from more than 16 countries and representing 48 French-speaking institutions. Organised under the theme “Looking ahead to the next decade: challenges for ombudsman in defending the rule of law”, this event provided an opportunity to reflect on the adaptations needed to strengthen democratic governance and public confidence in the face of contemporary challenges.

In a series of panel discussions and thematic workshops, participants examined the challenges posed by emerging technologies, the erosion of trust in democratic institutions, issues related to migration and societal and environmental upheaval.

These discussions highlighted crucial issues such as the accessibility, quality and continuity of public services, as well as looking at ways of supporting the mediator institutions and ombudsmen and strengthening their role in the face of these changes. The workshops also focused on specific subjects, such as the protection of the rights of the child.

Lastly, the congress provided an opportunity to elect the new members of the AOMF's Executive Committee and Board of Directors and to take stock of the actions undertaken, demonstrating the association's ongoing commitment to promoting the rule of law and international standards. Claire Hédon, Defender of Rights, was re-elected to the post of Secretary General of the AOMF. Éric Delemar, Deputy Defender of Rights and Ombudsperson for Children's Rights, was elected Chairman of the AOMF Committee on the Rights of the Child.

IV. THE RESOURCES OF THE INSTITUTION

The resources of the institution include the human, financial and IT resources needed to carry out its various duties. The ability of the Defender of Rights to work effectively on behalf of claimants depends on these resources.

The 2024 budget had to take into account the cancellations of appropriations that affected the independent administrative authorities, like the other administrations, both in terms of operating expenditure and staff costs, although these cancellations were subsequently reduced.

The resources thus preserved have enabled us to complete several major projects. In addition to their traditional coordination activities, the institution’s general administration teams carried out their various tasks, including: pursuing social dialogue and holding 15 working groups and meetings with employee representatives, welcoming, supporting and recruiting staff of all statuses (contractors, trainees throughout the year and service providers), updating the institution’s archives (see below) and responding to 162 requests for access to documents (communication of administrative documents and compliance with the EU General Data Protection Regulation [GDPR]), hardware and IT support for more than 310 workstations at head office and in the regions, not forgetting support for the network, employees and delegates.

A. HUMAN RESOURCES

The institution’s primary strength is its human resources. This strength is twofold: it comes from the investment of its employees and its delegates.

As for the 620 volunteer delegates, who now handle more than 70% of the complaints received by the institution, the regional network has continued to grow (+20 delegates per year on average).

With regard to its employees, the Defender of Rights regularly draws the attention of the public authorities to the budgetary constraints weighing on the institution and its need for additional human and financial resources, insisting on a chronic under-staffing, in light of two factors: the increase in complaints and comparisons with the staffing levels at equivalent European and international institutions.

Breakdown of the institution’s FTE employment ceiling by status in 2024

Employment ceiling in FTEs		Employment ceiling 2024
Tenured staff	Category A+	11
	Category A	20
	Category B	9
	Category C	4
	Subtotal	43
Contract workers		213
Total		256

Breakdown of the institution’s FTE employment ceiling by gender in 2024

2024		
	Number of agents	%
Women	194	76%
Men	62	24%
Total	256	100%

Breakdown of the institution’s FTE employment ceiling by category and gender in 2024

Categories	Women			Men			Total workforce	Breakdown of workforce
	Number	% W	% W/W	Number	% M	% M/M	Number	%
A+	34	72	17	13	28	21	47	18
A	120	74	62	41	26	66	161	63
B	32	84	16	6	16	10	38	15
C	9	82	5	2	18	3	11	4
Total	194	76%	100%	62	24%	100%	256	100%

Funding for ten posts was obtained in the Budget Act, with posts filled during the year. In 2024, the employment ceiling has therefore increased to 256 FTEs.

Among this year’s notable developments in human resources, three are worthy of particular mention.

1. The institution’s first single social report (RSU)

Decree no. 2020-1493 of 30 November 2020 on the social database and single social report in the civil service establishes a list of multiple data classified into ten major themes (employment, recruitment, career paths, training, pay, health and safety at work, work organisation and improvement of working conditions and quality of life, social action and social protection, social dialogue and discipline).

In 2024, the first single social report, documented by a database of 167 indicators, was presented to the Social Committee on 13 June 2024.

A version of the report is available to all employees on the institution’s intranet.

2. The implementation of recruitment on permanent contracts within the institution

The institution has decided to recruit its staff on permanent contracts rather than on fixed-term contracts. This decision, taken in consultation with employee representatives in 2023, was implemented in 2024. More than sixty employees’ contracts were thus reclassified as permanent positions and the practice of recruiting new staff on permanent contracts was rolled out across the institution. Salary convergence measures have also been introduced to bring the remuneration of employees in similar positions closer together.

3. Supporting organisational change within the institution

2024 saw some major organisational changes for the institution, implemented in two stages and building on the advances of the previous year.

At the beginning of the year, the “Rights linked to combating insecurity and to employment” and “Social insurance schemes” divisions, set up at the end of the previous year, entered their operational phase. The first division reflects the priority given by the Defender of Rights to dealing with complaints from people in insecure situations; the second aims to ensure that complaints in the field of social protection are dealt with.

Resources and budget consumption in 2024

In €	Programme 308 (business expenses)				
	Staff expenses (Title 2)	Other expenses (Non-Title 2)		Total Title 2 + Non-Title 2	
	AC=PC	AC	PC	AC	PC
Initial Budget Act budget	20,772,177	9,335,222	9,335,222	30,107,399	30,107,399
Budget made available	20,536,661	8,923,509	8,923,509	29,460,170	29,460,170
Budget consumed	20,454,614	8,920,852	8,632,755	29,375,466	29,087,369
Usage rate on loans	99.6%	100%	96.7%	99.8%	98.8%

In July 2024, after consultation with the employee representative bodies, the whistleblower rights team was expanded and turned into a full division. The aim of this change is to ensure that the institution's work in this area is carried out more effectively.

4. Equality and anti-discrimination within the institution

Like all public-sector employers, the Defender of Rights ensures that it meets its obligations in terms of professional equality. In 2024, the Defender of Rights appointed a new gender-equality officer and a disability officer, both of whom play an essential role in the deployment of the institution's equality policy.

The first will contribute to updating the Defender of Rights' action plan for workplace equality between women and men and monitor its implementation, in conjunction with the Equality Committee created in 2023 and made up of representatives of the administration and staff.

The second will ensure, among other things, that the institution is committed to the recruitment, integration and professional support of employees with disabilities, and will manage relations with the Fund for the Integration of Disabled People in the Civil Service (FIPHFP).

B. BUDGETARY RESOURCES

As in previous years, 2024 was marked by use of all the resources made available to the institution, both human resources and operating appropriations.

In the particular budgetary context of 2024, two subjects in particular illustrate the financial challenges facing the institution.

1. Management discussions to maximise use of appropriations

Internal management discussions between the General Administration Department and the various departments are held regularly throughout the year, generally in June, September and November.

While the first two meetings are intended to review implementation of current appropriations and to reassign any budget leeway between the various departments, the third meeting is intended, on the one hand, to reiterate what is at stake at the end of the financial year, which is subject to the dates specified by the chief accountant, and on the other hand, to collect the requirements for the following year, which will be ordered by level of priority and submitted for arbitration, within the limits of the appropriations available for new projects.

The institution takes particular care to involve all departments in these management discussions, with financial representatives present in each department.

Breakdown of the institution's operating expenditure in 2024

Type of expenditure	%
Compensation for regional delegates	40%
Promoting rights, communication, partnerships and events	20%
Day-to-day operations	19%
Websites, computer tools	11%
Studies and research	5%
Trainee allowances	3%
Reimbursement of seconded staff	2%
Total	100%

In addition to the budgetary aspects, the management discussions also provide an opportunity to review the human resources of each department.

In fact, general presentations reminding staff of the main principles of financial management and/or human resources management have been given and will be repeated regularly.

2. The prerequisites for implementing an internal audit system designed to improve control of the institution's financial risks

Risk management, also known as audit control, is a management process designed to ensure that an organisation achieves its predefined objectives. The State is committed to this approach, for which each of its entities is responsible. In the financial field, financial risk management consists of ensuring that the two objectives of accounting quality and budgetary sustainability are met.

These objectives take on particular importance within the institution following the pooling in 2018 of part of its financial activities with the office of the Prime Minister, and the new liability regime for public managers resulting from Order no. 2022-408 of 23 March 2022.

The Defender of Rights has joined the financial internal audit process initiated by the office of the Prime Minister, using the following tools to formalise the system:

- A name-based functional organisation chart which summarises all audit operations by associating each stage with designated persons within the Defender of Rights;
- An audit plan summarising expenditure monitoring to be carried out over the course of a calendar year;
- Risk sheets detailing an identified risk according to the list provided by the Administrative and Financial Services Department (DSAF) and associating actions to control it.

The institution is a member of the steering committee for internal audit at ministerial level, and awareness-raising and training initiatives will be rolled out to all staff, as in all public administrations.

C. DIGITAL TRANSFORMATION

In addition to the work required to update IT equipment to meet cybersecurity requirements, based on recommendations from the *Agence Nationale de Sécurité des Systèmes d'Information* (ANSSI - National Agency for Information Systems Security), and to ensure compliance with the GDPR regulation, the institution has continued its digital transformation initiative.

1. Digital tools for delegates

2024 marked an important milestone in the improvement of digital tools for Defender of Rights' delegates. The first major advance was the roll-out of a new "virtual office". Accessible from each delegate's IT device, this centralised space brings together all the applications needed for their work. Project roll-out was supported by regional training sessions, ensuring that the new platform was up and running quickly and efficiently.

Furthermore, the specialist application AGORA has undergone a series of significant developments, mainly the result of collaborative work with the digital community of delegates. These improvements, designed to simplify the use of the tool, are also intended to ensure files are more complete, thereby enhancing the quality and efficiency of the processing of applications, for delegates and employees alike.

2. Accessibility and optimisation of forms

The complaints form for the Defender of Rights, launched at the end of 2023, underwent additional developments in 2024. This work has focused on improving its level of digital accessibility (RGAA - general reference guidelines for improving accessibility), to ensure that it can be used in an inclusive way, accessible to all, regardless of technical constraints or user limitations.

At the same time, the institution's telephone helplines have been enhanced with a new form for tracking calls. This makes it easier to distinguish between calls received on the various dedicated lines (general platform, anti-discrimination number, helpline for

prisoners). Designed to speed up and optimise data quality, this tool ensures more accurate monitoring and up-to-date management of information, making it easier for teams to do their jobs.

3. A collaborative, forward-looking approach

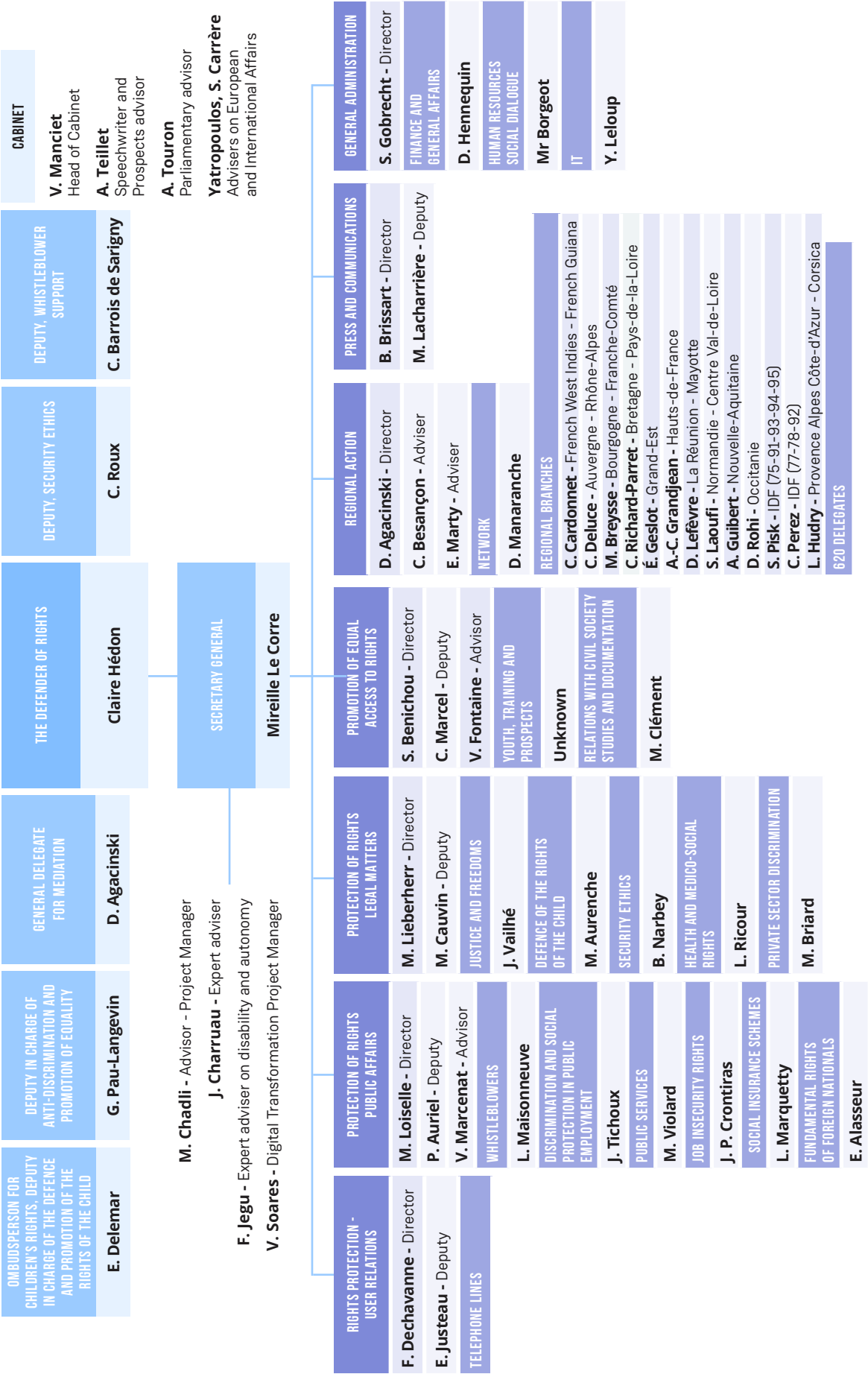
All these projects are part of a drive to create a more collaborative and participative working environment, in which feedback from delegates and end users plays a key role. These digital tools do more than simply modernise what already exists: they reflect a strong desire to simplify processes and improve support for all users.

4. Updating the institution's archive management system

The challenges of digital transformation must not overshadow those linked to the rules governing the archiving, in whatever form, of the various documents and elements produced by the institution.

Update of the institution's archive management system was finalised and approved in 2024. This tool provides an overview of the documentary output of the Defender of Rights' departments. It allows you to comply with the retention periods specific to each document, organise files and prepare archiving operations. The update takes account of changes in the institution's missions and the transition to digital production, with increasing volumes of data. The result of several months' work involving the institution's archives manager, coordinators from each department and the Archive department of the office of the Prime Minister, it was widely distributed and posted on the intranet to raise awareness among employees of good practices in document management, rationalisation of digital and physical spaces for archiving and storing documents.

■ APPENDIX 1: ORGANISATION CHART OF THE INSTITUTION (MARCH 2025)



I APPENDIX 2: ADVISORY COMMITTEES

In accordance with Article 11 of the *loi organique* [framework law] of 29 March 2011, the Defender of Rights is assisted in exercising its powers by three advisory committees, which meet regularly to give their opinion on the work of the institution, and in particular on draft decisions. The members of the committees are appointed for their expertise by the presidents of the parliamentary assemblies, the president of the Economic, Social and Environmental Council, the first president of the Court of Cassation and the vice-president of the Council of State. They provide an essential, external and multidisciplinary perspective through their experience as legal experts, elected representatives, senior civil servants, professionals in the children's sector or in corporate diversity, as lawyers, etc.

“DEFENCE AND PROMOTION OF THE RIGHTS OF THE CHILD” ADVISORY COMMITTEE

The Defender of Rights chairs the advisory committee that assists her in exercising her powers in the area of defence and promotion of the rights of the child. Éric Delemar, Deputy Defender of Rights and Ombudsperson for Children's Rights, is vice-chair of this six-member advisory committee, which met three times in 2024.

In particular, the committee was consulted on child protection issues, concerning failings in the care and support of a child by the child welfare services (Decision no. 2024-055 cited above).

Illustrating the institution's cross-disciplinary work, this advisory committee welcomed certain members of the “Anti-discrimination” advisory committee during discussions on complaints relating to the wearing of symbols or clothing considered to express religious affiliation in a school (Decision no. 2024-110 cited above).

Finally, the members of this advisory committee also contributed to work on the annual report on the rights of the child to a healthy environment.

Jérôme Bignon

Honorary Member of Parliament,
Honorary Barrister
(appointed by the President of the Senate)

Odette-Luce Bouvier

Adviser to the Court of Cassation
(appointed by the First President of the Court of Cassation and the Public Prosecutor at the Court of Cassation)

Pascale Coton

Vice-President of the CESE
Vice-President of the CFTC
(appointed by the President of the Economic, Social and Environmental Council)

Élisabeth Laithier

Honorary Deputy Mayor of Nancy
Chair of the Early Childhood committee
Expert adviser on early childhood at the AMF
President of the Lorraine Association for the Promotion of Early Medical-Social Action
(appointed by the President of the Senate)

Samuel Comblez

Child and adolescent psychologist
Deputy Director General of the e-Enfance Association
Director of the 3018 helpline
(appointed by the President of the National Assembly)

Marie-Rose Moro

Professor of Child and Adolescent Psychiatry
Head of Department, Maison des adolescents, Hôpital Cochin
(appointed by the President of the National Assembly)

“SECURITY ETHICS” ADVISORY COMMITTEE

The Defender of Rights chairs the advisory committee that assists her in exercising her powers in the area of security ethics. Céline Roux, Deputy to the Defender of Rights in charge of compliance with security ethics, is Vice-Chair of the eight-member College, which met four times in 2024.

Discussions focused in particular on disciplinary proceedings to be recommended following breaches by prison officers (Decision no. 2024-045, cited above, concerning a prisoner who had been strip-searched before being placed in a disciplinary unit incompatible with his state of health).

The advisory committee also deliberated on identity checks on several occasions (Decision no. 2024-019, cited above, on the discriminatory nature of the check; Decision no. 2024-083, cited above, on the failure to observe the duty of discernment; Decision no. 2024-111, recommending the amendment of Article 78-2 of the Code of Criminal Procedure).

Finally, it was after receiving the opinion of this committee that the Defender of Rights issued the aforementioned Decision no. 2024-087 on law enforcement agencies’ management of incidents during the Champions League final on 28 May 2022 at the Stade de France, in which the Defender of Rights recommended, in particular, the systematic activation of body cameras whenever law enforcement agencies used weapons of any kind, including intermediate force.

Claude Baland

Honorary Prefect

Former Director General of the National Police
(appointed by the President of the Senate)

Alain Fouché

Honorary Senator for Vienne

Former member of the Court of Justice
(appointed by the President of the Senate)

Dominique de la Garanderie

Lawyer

Former President of the Paris Bar
(appointed by the President of the Senate)

Pascale Martin-bidou

Senior lecturer in public law at the University of Paris Panthéon-Assas
(appointed by the President of the National Assembly)

Yves Nicolle

Honorary Commissioner General
(appointed by the President of the National Assembly)

Olivier Renaudie

Professor of public law at Université de Paris Panthéon-Sorbonne
(appointed by the President of the National Assembly)

Jacky Richard

Honorary State Councillor
(appointed by the Vice-President of the Council of State)

Pierre Valleix

Honorary Advocate General at the Court of Cassation
(appointed by the First President of the Court of Cassation and the Public Prosecutor at the Court of Cassation)

“ANTI-DISCRIMINATION AND PROMOTION OF EQUALITY” ADVISORY COMMITTEE

The Defender of Rights chairs the advisory committee that assists her in exercising her anti-discrimination powers. George Pau-Langevin, Deputy to the Defender of Rights in charge of anti-discrimination, is Vice-Chair of the eight-member advisory committee, which met three times in 2024.

Discussions within this committee provided an opportunity to exchange views on certain advances in case law, in particular the question of the fairness of evidence, following new case law from the Court of Cassation of 22 December 2023 (nos. 20-20.648 and 21-11.330), evidence obtained unfairly or dishonestly in civil matters provided that it is essential to the exercise of the rights of the litigant and on condition that it does not disproportionately breach the fundamental rights of the parties.

The members of the advisory committee also gave their opinion, for example, on the decision on refusal of access to a service by a user-led accommodation rental platform, based on the age and place of residence of the user (Decision no. 2024-145 cited above).

The advisory committee was also consulted about a complaint in which the decision by a residential home for the elderly (EHPAD) to keep a resident restricted to her room for three weeks was deemed to constitute not only a breach of her freedom to come and go, but also direct discrimination based on her state of health, her loss of autonomy and her disability (Decision no. 2024-079).

Gwénaële Calvès

Professor of public law at Université de Cergy
(appointed by the President of the National Assembly)

Stéphane Carcillo

Professor affiliated to the Department of Economics at Sciences Po

Head of the Employment and Income Division at the OECD
(appointed by the President of the Senate)

Éric Cédiey

Director of ISM CORUM

(appointed by the President of the National Assembly)

Claire Chagnaud-Forain

Yvelines departmental councillor
(appointed by the President of the Senate)

Marie-Françoise Guilhemsans

State Councillor
(appointed by the Vice-President of the Council of State)

Daniel Sabbagh

Director of Research (Sciences Po-CERI)
(appointed by the President of the National Assembly)

Karima Silvent

Director of Human Resources for the AXA Group
President of the Establishment for Inclusion in the Workplace (EPIDE)
(appointed by the President of the Senate)

Véronique Slove

Honorary Adviser to the Court of Cassation
(appointed by the First President of the Court of Cassation)

I APPENDIX 3: JOINT COMMITTEES AND LIAISON COMMITTEES

The joint and liaison committees are bodies for consultation and dialogue between the Defender of Rights and civil society. They hold meetings twice per year, chaired by the Defender of Rights, to discuss the latest developments, concerns and recommendations of those working in the field, to publicise the work and positions of the Defender of Rights and to provide input into proposals for reform and action.

There are eight joint committees (on old age, gender equality, disability, LGBTI, origins, insecurity, child protection and health) and two liaison committees, focused on promoting equality in professional practices (employment and private housing).

Seventeen joint committees and four liaison committees met in the course of 2024.

COMPOSITION OF JOINT AND LIAISON COMMITTEES

“Old Age” Joint Committee:

- Allô Maltraitance des Personnes Âgées et Majeures Handicapées (ALMA)
- Association française des aidants
- Association parisienne de solidarité familles et amis de personnes âgées et de leurs familles (ASFAPADE)
- Fédération 3977 contre les maltraitances
- Fédération Internationale des Associations des Personnes Âgées (FIAPA)
- Fédération Nationale des Associations de l'Aide Familiale Populaire (FNAAFP)
- Fédération nationale des associations et amis des personnes âgées et de leurs familles (FNAPAEF)
- France assos santé
- Générations mouvement aînés ruraux
- Les petits frères des pauvres
- Monalisa
- Old'up
- Réseau francophone des Villes Amies des Aînés (RFVAA)

- Union nationale des associations familiales (UNAF)
- Union nationale France Alzheimer
- Union nationale interfédérale des œuvres et organismes privés non lucratifs sanitaires et sociaux (UNIOPSS)

“Gender Equality” Joint Committee:

- Administration moderne
- Association européenne contre les violences faites aux femmes au travail (AVFT)
- Association pour le Droit à l'Initiative Économique (ADIE)
- Business and Professional Women France (BPW)
- Fédération nationale des Centres d'Information sur les Droits des Femmes et des Familles (FNCIDFF)
- Fédération nationale solidarité femmes (FNSF)
- Femmes pour le dire, Femmes pour agir (FDFA)
- Femmes Solidaires
- Fondation des Femmes
- Grandes Écoles au Féminin
- La Cimade
- La Coordination française pour le lobby européen des femmes (LA CLEF)
- Laboratoire de l'égalité
- Mouvement Français pour Le Planning Familial (MFPF)
- Osez le Féminisme (OLF)

“Disability” Joint Committee:

- APF France Handicap
- Association nationale pour les personnes sourdaveugles (ANPSA)
- Autisme France
- Collectif Handicaps
- Confédération Française Pour La Promotion Sociale Des Aveugles Et Amblyopes (CFPSAA)

- Fédération des associations pour adultes et jeunes handicapés (APAJH)
- Fédération française des Dys
- FNATH, Association des accidentés de la vie
- Groupe Polyhandicap France (GPF)
- Groupement pour l'insertion des handicapés physiques (GIHP)
- L'association pour l'insertion sociale et professionnelle des personnes handicapées (LADAPT)
- Nous aussi
- Paralyse cérébrale France
- Sésame Autisme
- Union des Associations Nationales pour l'Inclusion des Malentendants et des Sourds (Unanimes)
- Union nationale de familles et amis de personnes malades et/ou handicapées psychiques (UNAFAM)
- Union nationale des associations de parents d'enfants inadaptés (UNAPEI)

“LGBTI” Joint Committee:

- Acceptess-T
- Act Up-Paris
- Association des Parents et futurs parents Gays et Lesbiens (APGL)
- Association nationale d'Aide, de Défense Homosexuelle, pour l'Égalité des Orientations Sexuelles (ADHEOS)
- Association Nationale Transgenre
- Association pour la Reconnaissance des Droits des personnes Homosexuelles et transsexuelles à l'Immigration et au Séjour (ARDHIS)
- Centre LGBTQI+ de Paris et d'Île-de-France
- Collectif éducation contre les LGBTIphobies en milieu scolaire
- CIA - Collectif Intersexe Activiste (CIA)
- Fédération LGBTI+
- Fédération total respect - Tjenbé Rèd!
- FLAG!
- Homoboulot
- Inter-LGBT

- L'autre Cercle
- Les enfants d'Arc-en-Ciel
- MAG Jeunes LGBT
- OUTrans
- Réseau d'Assistance aux Victimes d'Agressions et de Discriminations à raison de leur orientation sexuelle, leur identité de genre et leur état de santé (RAVAD)
- SOS homophobie

“Origins” Joint Committee:

- Association des Jeunes Chinois de France (AJCF)
- Association Nationale des Gens du Voyage Citoyens (ANGVC)
- Conseil Représentatif des Associations Noires de France (CRAN)
- Conseil Représentatif des Français d'Outre-Mer (CREFOM)
- Fédération Nationale des Maisons des Potes (FNMP)
- Ligue des Droits de l'Homme (LDH)
- Ligue Internationale Contre le Racisme et l'Antisémitisme (LICRA)
- Mouvement contre le Racisme et pour l'Amitié entre les peuples (MRAP)
- Romeurope
- SOS Racisme

“Insecurity” Joint Committee:

- ATD Quart Monde
- Centre d'action sociale protestant (CASP)
- Collectif ALERTE / UNIOPSS
- Emmaüs France
- Familles rurales
- Fédération des acteurs de la solidarité (FAS)
- Fondation pour le logement des défavorisés
- Les Restos du Cœur
- Médecins du Monde
- Samu social de Paris
- Secours Catholique
- Secours populaire

“Child Protection” Joint Committee:

- Agir ensemble pour les droits de l'enfant (AEDE)
- Association française des magistrats de la jeunesse et de la famille (AFMJF)
- Conseil Français des Associations des Droits de l'Enfant (COFRADE)
- Conseil national des barreaux (CNB)
- Convention nationale des Associations de Protection de l'Enfant (CNAPE)
- Défense des Enfants International France (DEI)
- Enfance et Partage
- Fédération des acteurs de la solidarité (FAS)
- Fédération Nationale des Administrateurs Ad Hoc (FENAAH)
- Fédération Nationale des Associations Départementales d'Entraide des Pupilles et Anciennes Pupilles de l'État (FNADEPAPE)
- Fondation Droit d'enfance
- Fondation pour l'enfance
- Groupe SOS Jeunesse
- La Voix de l'Enfant
- SOS Villages d'Enfants
- UNICEF France

“Health” Joint Committee:

- Union nationale des acteurs de formation et de recherche en intervention sociale (UNAFORIS)
- Union Nationale des Associations Familiales (UNAF)
- Union nationale interfédérale des œuvres et organismes privés non lucratif sanitaires et sociaux (UNIOPSS)
- Aides
- Association Sparadrap
- Comité pour la santé des exilés (COMEDE)
- Croix Rouge française
- Fédération des acteurs de la solidarité (FAS)
- Fédération française des diabétiques
- France assos santé
- Ligue nationale contre le cancer
- Médecins du monde
- Secours populaire

- Union nationale de familles et amis de personnes malades et/ou handicapées psychiques (UNAFAM)
- Union Nationale des Associations Familiales (UNAF)
- Union nationale interfédérale des œuvres et organismes privés non lucratif sanitaires et sociaux (UNIOPSS)

Employment Liaison Committee:

- À Compétence Égale
- Association Française des Managers de la Diversité (AFMD)
- Association nationale des directeurs des ressources humaines (ANDRH)
- Association pour l'emploi des cadres (APEC)
- Confédération des petites et moyennes entreprises (CPME)
- Direction générale de l'administration et de la fonction publique (DGAFP)
- Fédération Nationale des Centres de Gestion (FNCDG)
- Mouvement des entreprises de France (MEDEF)
- Pôle Emploi
- Prism'emploi / The Adecco Group
- Union Nationale des Missions Locales (UNML)

Private Housing Liaison Committee:

- Fédération Nationale de l'Immobilier (FNAIM)
- Foncia groupe
- Laforêt franchise SAS
- Orpi France
- Seloger.com
- Syndicat National des professionnels immobiliers (SNPI)
- UNIS
- UNIS Île-de-France
- Union Nationale pour la propriété immobilière (UNPI)

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- ² FRA, *Être noir dans l'UE*, 2023.
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- ¹⁰ Defender of Rights, *Les discriminations des seniors dans l'emploi : 17e baromètre sur la perception des discriminations dans l'emploi*, 2024, p. 20.
- ¹¹ See in this respect what the Defender of Rights had already noted in its report *Discriminations et origines : l'urgence d'agir*, 2020, p. 31.
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- ¹³ Cass. soc., 19 Oct. 2011, no. 09-72.672; Cass. soc., 10 Nov. 2016, no. 15-19.736.
- ¹⁴ CJCE, 10 July 2008, no. C-54/07, *Centrum voor gelijkheid van kansen en voor racismebestrijding c. Firma Feryn*.
- ¹⁵ Cass. soc., 20 Sept. 2023, no. 22-16.130.
- ¹⁶ Cass. soc., 15 May 2024, no. 22-16-287. See also : Cass. soc., 14 Nov. 2024, no. 23-17.917.
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- ¹⁹ L. no. 2022-401, 21 March 2022, aimed at improving whistleblower protection: JORF no. 68 of 22 March 2022.
- ²⁰ CA Aix-en-Provence, 14 Feb. 2019, no. 18-08647.
- ²¹ Defender of Rights (with the Law & Justice research mission), *Multiplication des critères de discrimination: enjeux, effets et perspectives*, Conference proceedings, 2019.
- ²² Defender of Rights, Decision no. 2022-182, Jan. 23, 2023, on the difficulties encountered by a four-year-old child in a state-subsidised private school due to requests from school management to change his physical appearance, in this case, his "afro" haircut, in order to remain within the school. See also Framework Decision no. 2019-205 of 2 October 2019 regarding discrimination based on physical appearance.
- ²³ See the priority question of constitutionality referred by the Court of Cassation to the Constitutional Council: Cass. soc., 4 Dec. 2024, no. 24-15.269.
- ²⁴ See also: amicable settlement no. 2024-067, 5 July 2024, relating to the admission of a disabled pupil to secondary school with her assistance dog.
- ²⁵ See also: reminder of Law no. 2024-015, 11 Apr. 2024, relating to discriminatory refusal of healthcare.
- ²⁶ CAA Paris, 9th ch., 18 Oct. 2024, no. 23PA02755.
- ²⁷ Defender of Rights, opinion no. 23-06, Nov. 13, 2023, on the bill to combat discrimination more effectively through individual and statistical testing.
- ²⁸ See Defender of Rights, Framework Decision no. 2021-065, Apr. 12, 2021, on sexual harassment in the public security forces.
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- ³¹ L. Challe, S. Chareyron, Y. L'Horty, P. Petit, *Prévenir les discriminations par une action de formation : une évaluation*, Research report no. 2024-13.
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- ³³ Defender of Rights, *Droit des usagers des services publics: de la médiation aux propositions de réforme*, 2024.
- ³⁴ CJEU, 19 Dec. 2024, no. C-664/23 (concerning the Caisse d'allocations familiales des Hauts-de-Seine).
- ³⁵ See. above "1. Public services push ahead with digitisation".
- ³⁶ These are calls for an initial request. Until March 2023, calls made by "prisoners" could originate either from the inmates themselves or from their families. Since March 2023, the 3141 helpline has been reserved exclusively for prisoners.
- ³⁷ A delegate may work in several prisons.
- ³⁸ L. no. 2024-42, 26 Jan. 2024, to control immigration and improve integration: JORF no. 22 of 27 January 2024.
- ³⁹ L. no. 2005-102, 11 Feb. 2005, for equal rights and opportunities, participation and citizenship for people with disabilities: JORF no. 36 of 12 February 2005.
- ⁴⁰ L. no. 2013-595, 8 July 2013, framework act on the reform and rebuilding of schooling in France: JORF no. 157 of 9 July 2013.

⁴¹ V. Hugo, *Les Misérables*, 1862, Part I, Book V, Chapter V.

⁴² Cons. constit., 27 July 1994, no. 94-343/344 DC, *Law on respect for the human body and law on donating and using human body parts and products, assisted reproductive technology (ART) and prenatal diagnostics*.

⁴³ L. org. no. 2022-400, 21 March 2022, aimed at strengthening the role of the Defender of Rights with regard to whistleblowing: JORF no. 68 of 22 March 2022.

⁴⁴ The NEIWA network was created in 2019 following the adoption by the European Union of Directive 2019/1937 on whistleblower protection. It provides a means of cooperating and exchanging knowledge and experience in the field of integrity and whistleblower protection.

⁴⁵ In the same vein, see ECHR, gd. ch., 9 Apr. 2024, req. no. 53600/20, section 489.

⁴⁶ See p. 31, “Improve the class action system”

⁴⁷ See p. 70, “Inclusive education for pupils with disabilities”

⁴⁸ See p. 98, add a reference to “Opinion on the bill on agricultural sovereignty...”

⁴⁹ L. no. 2024-317, 8 Apr. 2024, on measures to build a society promoting healthy ageing and independence: JORF no. 83 of 9 April 2024.

⁵⁰ See p. 23, “Study on seeking redress in universities”

⁵¹ The ECRI is an independent body set up by the Council of Europe to assess the steps taken by Member States to combat racism, discrimination, xenophobia, anti-Semitism and intolerance.

⁵² See p. 92, the section on artificial intelligence.

⁵³ See p. 85, the section on whistleblowers.

⁵⁴ See p. 77, the section on ethics.

⁵⁵ See p. 85, the section on whistleblowers.

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