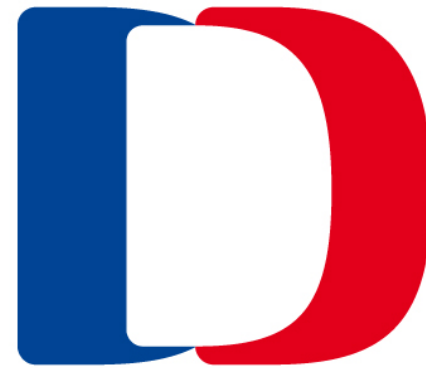


RÉPUBLIQUE FRANÇAISE

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**LE DÉFENSEUR  
DES DROITS**



# Equinet Evaluation Lab

## Friday 29<sup>th</sup> January 2016

### Brussels, Belgium

- I. The Defender of rights : short presentation and existing indicators
- II. A drafted strategic plan but for promotion of rights and equality only
- III. An indirect evaluation process : the Access to right survey

# Missions

**The Defender of rights** is an **independent constitutional authority** (art. 71-1 of the French Constitution).

Established by the **organic law n°2011-333** passed on 29th March 2011, this newly-created institution succeeded to 4 independent administrative authorities :

- **National Ombud**
- **Defender of Children's rights**
- **HALDE, High Commission against Discrimination and for Equality**
- **CNDS, National Commission on the Ethics of Security**

→ **Dominique Baudis**, has been appointed as first Defender of rights by the President of the Republic in 2011. On 18th July 2014, **Jacques Toubon** was appointed to succeed him

# Missions

The Defender of rights is entrusted with the following tasks :

- to defend **rights and freedoms** of citizens in the framework of relations with **State administrative bodies, local and regional authorities, public institutions and public services bodies**;
- to defend and to promote **the best interests and the rights of the child**;
- **to combat all forms of both direct and indirect discrimination** prohibited by law and to promote equality;
- to ensure **adherence to the code of ethics by all persons engaged in security activities across the country.**

# Indicators : the defender of rights in figures (2014)

More than 100.000 request for intervention or advice, among which:

- **73,463 complaint cases** representing nearly 85,000 complainants
- **42 443 calls** to the phone platforms of the Institution.

A permanent dialogue with the public and civil society

- **860,377 Internet visitors** (a 30% increase compared with 2013) with 4.2 million pages consulted (a 45% increase compared with 2013)
- A monthly **newsletter** sent out to **20,000 subscribers**
- **3 consultative committees** made up of 22 qualified public figures
- **7 committees** for ongoing **dialogue with civil society**, that met 13 times
- **17 ad hoc working groups** conducting **87 thematic meetings**

# Indicators : the defender of rights in figures (2014)

## A recognized legal expertise

- **71,624 cases** processed
- **490 significant measures undertaken** (general and individually tailored recommendations, observations submitted to courts, reform proposals, opinions submitted to prosecutors, referrals submitted to prosecutors, civil transactions own-initiative referrals for serious situations, etc.)
- Almost **80% of amicable settlements** initiated by the Institution were successful
- **78** submissions of **observations to courts**
- In **72% of cases**, the courts' rulings **confirmed the Institution's observations**
- **26 reform proposals** submitted to the public authorities and 11 reform proposals granted

# Indicators : the defender of rights in figures (2014)

## A successful insertion into the institutional landscape

- **16 hearings before Parliament**, at its request, in the most varied of fields
- **Memoranda of Understanding concluded with 13 Prosecutors-General** encompassing 71 courts
- **27 partnership agreements** concluded **to facilitate complaints handling** and carry out rights promoting actions

## A team serving rights and freedoms

- Almost **250 employees at head office**
- Almost 400 **delegates in 542 reception** offices nation-wide

# Indicators : the defender of rights in figures (2014)

Some of those **performance indicators** are a **legal mandate obligation** :

- **Art.36-II-1 law n°2011-333** : The Defender of rights *“presents every year to the President of the Republic, to the president of the National Assembly and to the president of the Senate a report which reports its general activity”*. This report also includes a thematic appendix relative to each of its fields of expertise”.

- The **annual projects of performances** (PAP) of the **308 program (Rights and Freedom)** annexed to the finance bill (PLF), by virtue of the article 51 of the organic law relative to the finance laws (LOLF) request specific indicators, such as :

- Indicator 1.1: **Number of inquiries/complaints lodged and cases handled per year**
- Indicator 1.2: **Average delay of processing claims**
- Indicator 1.4: **% of reform proposal granted**

Most of those indicators refer to “ Predominantly tribunal type equality bodies”. They are not explicitly linked with a strategic plan that would have established goals and targets.



# Promotion of rights and equality strategic plan a first draft (2016)

Referring to Niall Crowley 2013 paper's *"Processes and indicators for measuring the impact of equality bodies"* those figures partly illustrate how the Defender of rights can *"make change"* at an individual, institutional or societal level.

However, if a proper strategic plan is an plan that :

- establishes **the goals** of the equality body ;
- sets out what **actions** it will take to achieve these goals;
- and identifies the **performance indicators** and **targets** used to assess achievement of these goals

...we are not there yet.

# Promotion of rights and equality strategic plan a first draft (2016)

Still, the department of promotion of equality and access to right has recently endorsed a **three-year action plan**. It define **three** broad and transversal **thematic goals** :

- **Fight against discrimination** based on ethnic and religion belief grounds ;
- **Education** ;
- **E-administration, access to social rights and equality\***

Decline by projects related to :

- **the fight against discrimination;**
- **protection of the rights of the child;**
- **access to certain basic public service**
- **Security ethics** (i.e. racial profiling)

\*In this regard, the Defender of Rights would nevertheless point out that the digital divide, which excludes, in particular, the oldest and most vulnerable members of society from access to digital technologies, and furthermore [the assumption that] each individual is capable of using the new technologies on their own, are both grounds for particular vigilance.

# Promotion of rights and equality strategic plan a first draft (2016)

A plan which will mobilize the following tools :

- **Partnerships** : conventions, thematic committees, international cooperation...
- **General recommendations / reform proposals**
- **Surveys** and independent **reports**
- **Training**
- **Communication tools** : guidance's, barometers studies, brochures...

# Promotion of rights and equality strategic plan a first draft (2016)



## Reports



Examples :

- Annual report on the rights of **children**
- Report on the **relationship between police and citizens and identity checks**
- Report on the rights of **detainees**
- Report on **funeral legislation**

# Promotion of rights and equality strategic plan a first draft (2016)

## Training and promotional tools



# An indirect evaluation process : the Access to right survey (2016)

## Internal indicators : complaints statistics

The Defender of Rights publishes annually statistics listing the number of complaints addressed to it. These data are presented by discrimination grounds and domains (employment, housing, etc.).

## Profiling of the individual claims

By processing the complaints, the Defender of Rights attempts to produce more detailed information on the profiles of the individuals alleging they were discriminated against : **age, sex, status of activity, geographical origin** of the claimants can be crossed with grounds and domains.

At middle term, the Defender of Rights wishes to build an information system that would allow to compare the sociodemographic profile of the claimant for every field of expertise, **according to the modalities of referral** (telephone, on-line form, post mails, network of local delegates).

# An indirect evaluation process : the Access to right survey (2016)

## Where is the gap ? The Access to rights survey : an external benchmark

To know better the profile of the people who's situations falls into the scoop of his areas of competence but who do not seize him, the Defender of the rights decided to launch a survey on access to the rights.

The objective of this statistical survey is to measure, for each of its fields of intervention :

- the **fame** of the Institution ;
- the prevalence of unequal treatment situations and infringement of rights lived by the respondents (**harassment at work, discrimination, police/population relationship, children rights, access to public services, racism**);
- **awareness of rights** and **reporting of complaints**.

The investigation will be made in general population (metropolitan France) with a representative sample of **5 000 people** obtained by the **random method**. A retort of this survey in French overseas departments is planned in 2017.

# An indirect evaluation process : the Access to right survey (2016)

## A tool to prevent non-access to rights

Besides addressing a first benchmark on the current situation of discrimination in France, the results will supply precious information on the profile of the people susceptible to seize the Defender of the rights and on the motives for resigning.

The results of this survey will be representative of the groups surveyed and will allow to **target better our strategic action** plan and to support awareness programs, including reporting of complaints, designed for minorities.



**Thank you for your attention**

