

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
France	2021	France / CERD / C / 105 / D / 65 / 2018	https://juris.ohchr.org/casedetails/3022/en-US	Racial or ethnic origin	Committee on the Elimination of Racial Discrimination	The petitioner French national born in Togo, filed a complaint against France for racial discrimination during his employment at Renault (1971 - 2004). Despite his qualifications, his career progression was hindered compared to his European colleagues. The Versailles Court of Appeal in 2008 awarded him damages and retroactively reclassified his salary, but Renault refused to issue the necessary employment certificate affecting his pension. The petitioner claimed the state failed to enforce the reclassification and provide full redress. Franc argued that the discrimination was recognized and compensated, and legal remedies were provided.	The Committee's ruling highlights the importance of effective remedies under article 6 of the Convention, ensuring victims of racial discrimination receive adequate reparation. In this case, the State party violated Article 6 by not fully implementing the Versailles Court's ruling. The petitioner's compensation was paid, but issues like reclassification and employment certificates remained unresolved. The Committee called the State Party for information on the measures taken within 90 days.	The Committee considered that the petitioner's claims regarding racial discrimination were admissible only under article 6 of the Convention. It noted that the States party's legal system, including its Constitution, Labour Code and Criminal Code, provides protection against racial discrimination. The Versailles Court of Appeal recognized the discrimination and ordered compensation. However, the Committee found no evidence that the State Party failed to act under Articles 2,3,4 and 5. The Committee concluded that the State party violated article 6 of the Convention, recommending full reparations including reclassification for victims of racial discrimination.	The case clarifies key issues related to racial discrimination in employment, emphasizing the right to equality and the burden of proof reversal in such cases. The Committee highlighted that the State party must ensure access to justice and full reparation for victims, as seen in the petitioner's successful legal action against Renault. It interpreted Article 6 of the Convention, reinforcing the right to effective remedies for discrimination victims, and stressed the importance of reclassification and adequate compensation. The case highlights the role of national courts in upholding these principles.	"The Committee considers that, in the present case, the harm alleged by the petitioner in connection with the failure to implement the Versailles Court of Appeal judgment concerning his reclassification impedes the making of full reparation for the racial discrimination that he suffered, since the petitioner was not restored to the situation in which he would have found himself prior to the violation and that would have allowed for a recalculation of his retirement pension. The Committee considers that the decision by the State party's highest court to dismiss the petitioner's claim for satisfaction and full reparation in respect of the discrimination to which he had been subjected constitutes a violation of article 6 of the Convention."

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