

Promoting diversity

21

bodies promoting diversity
and combating discrimination
in the European Union



Employment & social affairs



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Executive summary

Employment & social affairs

Fundamental rights & anti-discrimination

European Commission

Directorate-General for Employment and Social Affairs

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Introduction

This report was commissioned by the European Commission in the framework of the Community action programme to combat discrimination (2001–06). The action programme is designed to support and supplement efforts at Community level and in the Member States to promote measures to prevent and combat discrimination taking account, among other things, of legislative developments.

Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin lays down a framework for combating discrimination. As part of this work, each Member State must establish one or more bodies with a remit to analyse the problems involved, study possible solutions and make recommendations, and provide concrete assistance for the victims of discrimination.

The aim of the present study is to give an impetus to the work of the entities in the Member States charged with the creation of these bodies. The report consists of an analysis of the work of existing bodies working to promote equality and combat discrimination.

The analysis and examples of the experiences of the various institutions are to be found in the remaining chapters of the report. It should be noted that the present conclusions are not to be considered exhaustive. Using the methodology selected, the findings are based on observations that relate to a limited number of institutions. They will therefore more often represent an example of good practice, a valuable experience or an interesting idea rather than a trend or common approach. The reader is advised to take this into account when reading the report.

Structure, mandate and resources

The Directive 2000/43/EC outlines the aims and tasks of the bodies for the promotion of equal treatment as:

- giving independent assistance to the victims of discrimination;
- conducting surveys and studies; and
- publishing reports and recommendations.

The requirements of the directive concerning the specialised bodies are in line with the recommendations made by the European Commission against Racism and Intolerance (ECRI) under the Council of Europe.

The ECRI refers to the fundamental principles laid down at the first international meeting of the national institutions for the promotion and protection of human rights in Paris during 7–9 October 1991 (known as the ‘Paris principles’). The Paris principles set out the following minimum set of standards for independent commissions:

- independence guaranteed by a constitutional or legislative framework;
- autonomy from government;
- pluralism, including pluralism of composition;
- a broad mandate;
- adequate powers of investigation;
- sufficient resources.

1.1. Mandate, scope and independence

The majority of the 21 institutions included in the study are established by national laws adopted by parliament. Typically, the legal basis provides a mandate for the institution and a framework defining the scope of its work and activities. Some of the institutions have their legal basis in secondary legislation, for example in ministerial decrees or administrative orders. This is the case for the French ***Commissions d'accès à la citoyenneté*** (*Regional citizenship commissions*) (**CODAC**) and the **Italian Commission for Integration Policies**. A few institutions, the Dutch **National Bureau against Racial Discrimination (LBR)**, the Dutch **Expertise Centre on Age and Society (LBL)**, and the Danish **Advisory and Documentation Centre on Racial Discrimination (DRC-DK)**, are independent foundations and are not established by national legislation.

A body's legal basis may have implications for its relative independence. With a firm legal basis in the form of a national act containing clear descriptions of its scope and a mandate passed by the parliament, it is more difficult for a government to alter the role and activities of an institution. Alterations in such cases will typically require parliamentary negotiations and the adoption of a new legislative act. Thus, in situations where an institution acts or makes statements in a manner which conflicts with the government of the day, a firm legal basis may serve to counteract any intent of swift political interference. On the other hand, a body which is established by secondary legislation or by a law, which does not clearly specify the role, mandate and scope of its work, may be more prone to interference.

In most cases the mandate and duties of the specialised body or institution are defined in the legislative act, which establishes its legal basis.

The work of a number of the institutions, such as the three Swedish **Ombudsmen** and the Northern Ireland **Equality Commission**, is governed by more than one legislative instrument, thereby providing different tools and possibilities depending on the area of discrimination in question.

It can be argued that accountability to parliament rather than to government would secure an institution's independence to a greater degree. However, when this debate arose in the case of the Swedish Ombudsmen, it was argued by some that the members of parliament might also speak for specific interests and make it difficult for the institution to manoeuvre freely. Therefore, it was argued, the key was to ensure a firm legal basis instead, including a clear mandate for the institution.

1.2. Appointment of the board

The appointment of the board also touches upon issues of independence, continuity and effective authority.

The board of an independent body is the guarantor of the pursuit of the objectives and tasks set out for the institution, and ensures that its work is undertaken independently and in consistent accord with its mandate. This includes being independent of the state authorities as well as of other interests.

A number of the different models, which exist for the appointment of the boards of the institutions, have been included in this study. It is broadly possible to distinguish between two basic models: boards constituted of the representatives of named institutions, and boards made up of individuals who have been selected purely on the basis of their merits.

The first approach stresses the network perspective and often, it seems, a desire to ensure that relevant interests are given a voice on the board. An important issue for this first type of board is to ensure that the board members do not merely represent their own narrow interests but also the overall interests of the institution in question.

The second approach, where individuals apply and are selected on merit, as is the case with the Italian Commission for Integration Policies and the **British Commission for Racial Equality (CRE)** (among others), seeks to overcome this potential criticism. It may also be more competitive, in the sense that the re-posting of vacant board positions in the press opens up an opportunity for anybody to be appointed, not just the representatives of a named group of organisations and institutions. In this respect it may be a more dynamic model. On the other hand, the risk of political interference may potentially be greater if the government sets very prescriptive criteria for board member selection.

Typically, board members serve a term of three to six years. To ensure the independence of the board, in many cases a clause in the law stipulates that the mandate of the members of the board cannot be withdrawn, or only under specific extraordinary circumstances. Obviously, the intention is to ensure that a board member cannot be dismissed arbitrarily.

1.3. Institutional structures, working approaches and accessibility

In terms of their internal organisation the institutions appear to have very different structures and cultures, consisting of organic, loosely structured organisations at one extreme, and highly-tuned management-based organisations with mission statements, corporate plans, performance indicators and monitoring procedures at the other.

The staff and competences of the various institutions differ according to their aims and priorities. The staff of the institutions vary in number from only four to just over 200 employees.

In some institutions the tasks are apportioned and organised according to the laws and instruments, which regulate the institution's work. This structure is typically completed by departments dealing with information or training.

In a few institutions the work is done in teams. For instance, the Dutch LBR (National Bureau against Racial Discrimination) has established working groups on specific issues that combine different competences. By organising its work among groups instead of along departmental lines, the LBR seeks to encourage knowledge sharing and to avoid staff only considering their own areas of competence.

The **Equality Authority** in Ireland (**EA**) has integrated nine grounds of discrimination, organising its work by function rather than according to the field of discrimination. The main purpose of such a structure is to ensure learning and knowledge sharing concerning the various fields of discrimination.

The Dutch **Equal Treatment Commission** was previously divided into three chambers, but has decided to let all nine commissioners and 13 juridical advisors work with all types of cases. Firstly, it enhanced flexibility, and in addition it was considered illogical to separate the various grounds of discrimination, since the Commission has been seeing an increasing number of cases where more than one ground of discrimination is involved.

The potential weaknesses, such as a lack of specialisation and the risk of duplicate work when working across fields of discrimination, is judged by the institutions to be outweighed by the benefits of combining competences and applying one's knowledge concerning a given ground of discrimination to the other grounds.

The study demonstrates that building up new institutions or merging several institutions takes time, and that time is what is needed to establish an effective working approach.

Some institutions share facilities and information in order to lower administrative costs. The Swedish **Ombudsman against Discrimination because of Sexual Orientation (HomO)** is located together with the Swedish **Ombudsman against Ethnic Discrimination (DO)**. The former buys administrative services from the latter, and they share common telephone and data networks.

However, co-location also presents potential problems. In Ireland, two institutions, the Irish EA and the Irish **Office of the Director for Equality Investigations (ODEI)**, are located at the same address. This has led to severe identity confusion between the two institutions, not only in the minds of the public but also at an organisational and political level.

Accessibility is a major issue for victims of discrimination. For a victim of discrimination, who may often belong to a marginalised group in society, the mere step of seeking advice and reporting a discriminatory experience may be a rather daunting task. If the person has to overcome great obstacles to reach the anti-discrimination body, it is likely that the case will never be reported and registered. The accessibility issues include an institution's physical accessibility, its image, the language skills possessed by its staff, and people's confidence that it will handle discrimination cases both promptly and professionally.

1.4. Resources

The resources available to an institution, including its funding, have direct practical implications for its capacity to implement its mandate. It can be difficult to meet the expectations of the public and politicians when struggling with limited resources.

All 21 institutions in this study receive public funds. The majority are granted resources annually from the fiscal budget. Some are financed by particular ministries or offices. A few of the institutions have no separate budget but are financed from the administrative budget of another entity (as is currently the case for the Portuguese Commission), or are constituted as a part of local government, as is the case with the French CODAC.

The immediate advantage for an institution of being financed from the annual fiscal budget is that a steady and predictable source of income exists which guarantees its ongoing activities. Of course, that assumes that the allocations are reasonably proportionate to the intended tasks of the organisation. Nevertheless, fluctuations due to changing political priorities will remain an issue.

Also, where grants are made following an application and detailed work plans, a government or minister may directly or indirectly be able to influence the overall direction and priorities of the work of the body.

Being able to attract sponsors to provide services for free can be a major opportunity for institutions involved in providing information, image building and awareness raising and campaigning. In addition, some organisations raise private money, but their contribution to the overall budgets of the institutions is for all the institutions surveyed very limited.

1.5. Horizontal approach to discrimination

There is a clear tendency towards the integration of several grounds of discrimination in legislation and in institutional structures. This is the case in Ireland (and in Belgium from mid-2002), and it is currently under discussion in the United Kingdom and Germany, among other countries.

The Equality Commission for Northern Ireland is in a transitional phase in which the process of amalgamation of several institutions into one has been completed but where the horizontal integration of the legal basis for the institution's work still has to be agreed.

The integrated approach is seen as advantageous in its potential for ensuring legal coherence, consistency and clarity concerning rights. Another benefit is that of effectiveness and giving the bodies the necessary influence to have an impact. Horizontal integration may also lessen any perceived hierarchy of the different grounds of discrimination.

There are also voices of concern. In particular, it is reported that some of the older, better-established institutions worry that an integrated approach could mean that the types of rights they are promoting would lose political impact, public attention or resources if they were amalgamated with other grounds of discrimination.

The experience in Ireland, which has a fully integrated approach, is that a single institution dealing with nine integrated grounds of discrimination is all the stronger, and that in addition to the value of the mutual exchange of experiences, the work done with one ground of discrimination can be applied to the others in a mutually reinforcing way.

According to the interviews conducted in the institutions working with or towards an integrated approach, it is crucial to deliberately ensure that the work done with all the various grounds of discrimination within a single institution is visible.

1.6. Contextual scope

The contextual scope of the individual body reflects the boundaries and limitations in the legislation of the different Member States. Whereas some of the bodies have no contextual limitations in scope, others are restricted to certain areas. This especially concerns the bodies investigating cases of discrimination or resolving them, either through giving opinions or bringing cases to court. The scope of these institutions is often limited to employment and labour-market-related incidents.

Recommendations

concerning structure, mandate and resources

- ⦿ **The independence of the institution should be guaranteed by statute and a clear mandate.**
- ⦿ **The composition of the board has to be considered with regards to representation of various groups, ensuring competences and independence.**
- ⦿ **To ensure independence of the board, a clause in the legislation should stipulate the length of the term and that the mandate of the board members cannot be withdrawn before the end of the term.**
- ⦿ **The internal division of work should provide possibilities for knowledge sharing across various ground of discrimination.**
- ⦿ **Accessibility is a key concern to ensure that victims of discrimination receive the assistance they need.**
- ⦿ **Financial resources should be granted on the annual fiscal budget in order to ensure continuity and independence.**
- ⦿ **If establishing one body working across all grounds of discrimination, it is important to maintain focus and expertise on the different grounds of discrimination.**

Role in relation to the direct victims of discrimination

The function of the institutions in relation to the direct victims of discrimination spans a broad range of possible activities: providing rights information, advising victims, dealing with complaints, carrying out investigations, conducting settlements and mediation, making formal decisions and giving assistance in court cases.

2.1. Information about rights and legislation

The majority of the institutions provide information about individual rights, legislation and case law. Typically, the institutions provide access to relevant legislation and a presentation of rights and options on their web pages.

Quite a number of institutions, amongst others the Belgian ***Centre pour l'égalité des chances et la lutte contre le racisme (CECLR)***, the French CODAC, the Danish DRC-DK and the Dutch Equal Treatment Commission operate telephone lines for the benefit of those seeking advice and assistance.

The majority of organisations give individual advice on whether a person is likely to have a case and how to proceed with it.

Advice can also deal with preventive issues. For instance, organisations and employers may seek advice on how to interpret legislation or how to establish policies for the various grounds.

2.2. Investigations

A number of the institutions collect and investigate complaints filed by victims of discrimination. While some institutions mainly assist applicants in presenting their complaints, other organisations have a more formal role in investigating reported cases of discrimination. This is the case for the British CRE and the Irish ODEI, among others, both of which, along with the Swedish Ombudsmen for instance, also have special powers to gain access to information from the parties involved in the course of its investigations.

The CRE has a particularly strong mandate to undertake formal investigation, and can require an organisation or company to follow instructions for action.

Some institutions can initiate investigations on their own initiative if discrimination is found to be present in a particular area of society. For instance, the Swedish DO (Ombudsman against Ethnic Discrimination), the French ***Groupe d'étude et de lutte contre les discriminations (GELD)***, the British CRE and the EA in Ireland investigate suspected structural discrimination.

Another example is situational testing, which is practised by the Belgian CECLR and the Berlin **Commissioner for Integration and Migration**: Identically-clothed people of different ethnic backgrounds are asked to approach, for example, the same discothèque or bar to determine whether they receive systematically unequal treatment.

2.3. Assistance in resolving cases

Several organisations provide assistance in resolving cases, either through legal advice and attempts to settle cases out-of-court, or through assistance and representation when a case is taken to court.

Disputes outside the court system may be resolved on the basis of written complaints issued by the institution on behalf of the victim/complainant, a technique used by the Belgian CECLR, among others. Another approach is a more formal mediation process such as that operated by the ODEI in Ireland. Several of the institutions are aiming to increase their mediation activities, since a voluntary settlement between the parties may often be more helpful to a victim than a formal statement or a verdict. It is also less costly and time-consuming in terms of the human and financial resources involved in pursuing a case through the traditional legal system.

2.4. Legal advice and representation when processing cases through the courts

Only a few institutions, such as the Belgian CECLR, the Northern Ireland Equality Commission, the Irish EA, the Danish Documentation Centre and the British CRE, have experience in bringing cases to court. This lack of experience is by several institutions explained by the newness of the legislation, a lack of resources, and a strategic concern to ensure that the first case brought to court will be successful. Among those institutions which does bring cases to court, the Belgian CECLR has a particularly strong mandate which allows court actions even where there is no direct victim of discrimination.

2.5. Acting as a formal decision-making body

Two of the institutions involved in this study have the power to act as quasi-judicial bodies giving formal rulings in cases of possible discrimination. One of them, the Dutch Equal Treatment Commission, hands down advisory rulings with no legally-binding status, while the rulings of the other, the ODEI in Ireland, are legally binding.

It is generally considered essential that when a ruling is made, the basis of the case and the arguments supporting the ruling should be clearly stated. This strengthens the legitimacy of the decision and makes the offender more liable to observe the ruling given, even where no instruments of enforcement exist.

According to both the institution itself and its stakeholders, a particular virtue of the decisions of the Irish ODEI is that the Office attaches instructions for the course of action to be taken subsequently.

Other institutions also try to prevent the repetition of discriminatory behaviour, among other things by making available training courses and advice to particular types of companies or to those whom it has found guilty of discrimination. For instance, the Dutch Equal Treatment Commission advises hotels, restaurants and discotheques on how to avoid discriminating against people of a non-Dutch ethnic background. Similarly, when settling a case out of court, the acceptance of training sessions for the staff of a company or organisation found to be guilty of discrimination may form part of the agreement.

Recommendations

on assistance to victims of discrimination

- ➔ **The focus on providing assistance in individual cases should be supplemented by a focus on the more long-term structural changes in discriminatory practices.**
- ➔ **The institutions should be allowed to take up cases of more general concern for investigation in order to raise issues of common concern.**
- ➔ **The assistance should be provided for free, both to victims and witnesses of discrimination.**
- ➔ **The institution has to carefully consider its role in mediation as this function might raise some principal questions on the protection of the law versus the function of creating voluntary settlements. A possible solution is to place the mediation role in a separate institution in order for roles not to become blurred.**

Role and functioning in the political process

The report distinguishes between formal and informal roles, with the formal role comprising an institution's statutory rights or legally-established role in the political process.

The formal role in the political process may be exercised through active participation in the preparation of legislation, the statutory right to be consulted and to comment on draft legislation, and by the monitoring of practices after an item of legislation has come into force.

Institutions such as the Belgian CECLR and the Swedish Ombudsmen have a formal role in giving comments or opinions on existing legislation and new legislative initiatives. On the other hand, a primary role of the Irish EA and the British CRE is one of regularly reviewing the legislation which underpins the institution itself.

Informal roles in the political process include making requests to present views to parliamentary committees, sitting in on advisory committees, and lobbying the administration and government. They also include ad hoc involvement such as hearings and campaigns, or giving responses to consultation papers issued by government.

Representatives of the institutions have sometimes also been invited to sit in on governmental preparatory commissions in order to provide expert input into the development of new legislation or new approaches to equal treatment.

Recommendations

on involvement in the political process

- ◊ **The political role of the institution should be formalised in order for its expertise to be included in legislative initiatives and in reviews of legislation.**
- ◊ **Where a political culture exists of integrating organisations in the political process, the institutions themselves can promote contacts to the relevant political partners.**

Dissemination of information, research and awareness building

A substantial proportion of the institutions have the key function of providing information about relevant legislation and discrimination in general. The institutions' roles are numerous, with some conducting or commissioning research, publishing research results and making recommendations, or providing training, raising awareness via campaigns or the media, or acting as network-building institutions.

The institutions use various means to disseminate information to the general public or to specific target groups. These are often printed publications, such as opinions, statements or comments on legislation. Many institutions emphasise the importance of a well-designed and easily accessible web site to provide data regarding discrimination and give practical information for use in discrimination cases.

A number of institutions, such as the British CRE, the Belgian CECLR, the Irish ODEI, and the French GELD provide systematic information on case law. They often compile databases of rulings and settlements which can be accessed internally and/or on their web sites. A common objective is to establish agreements with the relevant courts to establish an automatic inflow of information concerning relevant rulings, and concerning case law in particular.

Apart from the dissemination of information about equal treatment and legal cases, a number of institutions provide information designed to create a more positive climate and attitude towards those vulnerable to discrimination. One example is the Dutch LBR, which every other month publishes a small newspaper about multicultural issues, and contains positive stories about people living together.

4.1. Conducting or commissioning surveys and reports

The undertaking of studies and writing of reports containing detailed documentation comprises an important tool for most of the bodies concerned with equal treatment. The collation of data, new juxtapositions of facts or the gathering of entirely new data can highlight issues of discrimination which have hitherto gone unnoticed.

Independent surveys may take their points of departure in individual cases, specific themes or perceived patterns of discrimination.

None of the institutions carries out systematic reviews of the discrimination and equality situation in their respective countries, but some of them intend heading in that direction eventually.

Some organisations undertake research themselves, but many of them decide to let commissions, universities or research institutes do the research. The extent of survey and research activities often reflects the available financial means.

4.2. Making recommendations based on studies

In many instances, the survey and research activities provide the basis for the institutions to identify deficiencies in existing laws or pinpoint discriminatory practices, and to issue recommendations to groups of organisations, companies and decision-makers.

Some organisations, such as the EA in Ireland and the British CRE, aim to provide guidelines and recommendations at political, organisational and personal levels. In addition to the studies which they either commission or carry out themselves, they prepare publications that focus exclusively on establishing codes of practice or guidelines in specific areas. Such codes of practices, guidelines and recommendations are generally seen as helpful by other institutions and organisations in diminishing discriminatory practices.

4.3. Training activities

Over the years some of the institutions have gained considerable experience in anti-discrimination and equality training. In general, the institutions contribute to training in four different ways: contributions to curriculum development, the production of training material and training methodologies, the provision of training, and the training of trainers.

Contributions to curriculum development are often made in the context of more general training activities for particular groups, such as police officers or magistrates. Several organisations such as the French GELD, the Belgian CECLR and the Luxembourg Commission have been actively involved in training courses for police officers. Indeed the Belgian CECLR interestingly has a long-term fixed contract with the Belgian State to provide training courses for young magistrates as a part of their professional education.

Several institutions focus on developing training material and toolkits. Indeed, some organisations see the question of whether to be involved in the large-scale provision of training, or whether to produce training material and methodologies for other organisations instead, as a strategic choice. The case of the British CRE illustrates this point. Some 40 000 public authorities have to comply with the new law on public duty, which was introduced in the recently amended **Race Relations Act**. With a staff of 200, it would be impossible for the CRE to provide the necessary training. Instead the CRE has been involved in the planning of the training approach recommended, and the training itself will be contract-based and managed by the individual public authorities.

Two institutions, the Dutch LBR and the Belgian CECLR, have developed cooperation with schools on the combat of discrimination, and have, among other things, established panels to assess the materials used in primary schools.

Some institutions provide training by request only and on a fully funded basis, while others organise training campaigns targeted to specific audiences and free of charge.

While cost-free training based on training campaigns directed towards specific audiences may intuitively seem more effective, the question appears to be more complex. Evaluations made by the CECLR have shown that companies or organisations requesting training consider their motivations more carefully and are more eager to ensure proper attendance when they incur the costs of the training.

Meanwhile, there has been a gradual shift in focus in the Belgian CECLR, among others, from traditional anti-discrimination training to diversity management and intercultural communication.

4.4. Training of trainers

Most of the institutions place an emphasis on providing training that involves more persons than the immediate target group. The approach has been to train teachers who can convey their knowledge to pupils, to train labour union representatives so that they can work proactively against discrimination, or to train key administrative staff so that an equal treatment perspective can be integrated into administrative practices.

4.5. Campaigning

The majority of the institutions do not invest resources in large-scale campaigns. This is either because they do not have access to the resources required, or because in some cases such campaigns are not considered sufficiently effective.

However, organisations such as the CRE and the **Disability Rights Commission (DRC)** in the United Kingdom do organise annual high-profile campaigns. The CLCLR in Belgium also occasionally conducts large-scale campaigns, including radio and TV-spots.

Other organisations concentrate on lower-key events, such as the Danish **Board for Ethnic Equality's** 'baton conference', which it organises every year. At the conference, batons are given to companies, municipalities, organisations or state institutions, which thereby take on the obligation to work to promote ethnic equality and combat discrimination inside their particular organisation.

Other institutions are already campaigning in preparation for the implementation of the directives based on Article 13 of the Amsterdam Treaty. For instance, the Berlin Commissioner for Integration and Migration is campaigning among other departments and organisations like housing agencies and discotheques to prepare them for the changes which Article 13 will involve.

Publicity in relation to court rulings or the issuing of legal opinions through carefully planned exposure in the media can also be a strategy for placing an institution and its concerns on the mental map of policy makers and the public. For instance, the Swedish Ombudsman against Discrimination because of Sexual Orientation (HomO) actively makes use of the media in presenting his opinions, and has thereby succeeded in giving a high profile to the issue.

4.6. Cooperation with other organisations, civil society and social partners

All the institutions are involved in cooperating with other organisations, NGOs and governmental bodies in one way or another. Some also actively include potentially discriminated groups in their daily work.

The French CODAC in particular acts as a network-building institution between its partners, and provides an annual forum for the exchange of experiences and information. The intention is to make the forces in civil society actively work with the public administration to promote integration and combat discrimination via regular working groups which typically deal with labour market integration, education, housing and other social conditions, and access to justice.

Some of the bodies which are working either to resolve cases of discrimination or are tackling more structural barriers to equal treatment are dependent on organisations with greater first-hand knowledge. For instance, in the Netherlands the Equal Treatment Commission works to resolve cases of possible discrimination, whereas organisations like the Expertise Centre on Age and Society (LBL) and the National Bureau against Racial Discrimination (LBR) aim to develop the available knowledge and documentation concerning discrimination due to age or ethnic background.

Another way of building networks and capacities is to include stakeholders in working groups or advisory groups.

One example is the British CRE's private company group, which assists the CRE in developing strategies to make the organisation more visible and effective in a private company context. Similarly, the ODEI in Ireland has established a users' forum where users, stakeholders and others are invited to participate in discussions about the organisation and its procedures. No specific cases or the legal aspects of cases are discussed.

Finally, the Portuguese **Commission for Equality and against Racial Discrimination**, where a Commissioner has a transversal function spanning a series of different commissions, forums and working groups, is an example of a particular approach to bringing together information from representatives of a broad variety of ethnic minority groups and other groups vulnerable to discrimination.

In conclusion, all institutions surveyed in this study consider networking and the effective exchange of information and experience as crucial for the efficient conducting of their roles in combating discrimination.

Recommendations

concerning information, research and awareness building

- ➔ **The institutions should be ensured sufficient means in order to make surveys an available tool for analysing the actual level of discrimination and problems regarding equal treatment.**
- ➔ **Institutes should be encouraged to coordinate surveys and make long-term plans on issues to be covered in order not to allow news headlines and the financial resources available to determine the areas to be investigated.**
- ➔ **Training should be used as a tool for changing discriminatory practices so that cases of discrimination are not repeated.**
- ➔ **Training material and training programmes should be developed and directed to the target groups — their experiences should be taken as a point of departure for the provision of information and the change in attitudes and actions.**
- ➔ **The institution should focus on training with a multiplier effect in order for the resources to be spent most effectively.**
- ➔ **Formalised structures of networking both at managerial and staff level can ensure knowledge sharing and capacity building between different equal treatment institutions.**

Annex

Specialised bodies selected for the study

The majority of the 21 institutions included in the study either cover discrimination based solely on race and ethnicity or a broad range of discriminatory grounds. One institution covers discrimination on the basis of sexual orientation, two exclusively cover discrimination on the basis of disability, and one covers discrimination on the grounds of age.

Some institutions describe their work as including national or locally defined grounds of discrimination, such as the Finnish Ombudsman's inclusion of the so-called 'old' ethnic minorities of Finland, the Sami and the Roma people; and the Irish institutions' inclusion of the 'travellers' community. Below is an overview of the 21 institutions included in the analysis.

Full details on all these bodies can be found in the Annexes to the report. Bodies marked in **blue characters** are those chosen for the particular case studies.

| Country | Name (5 case studies) | Grounds of discrimination included | Role of institution |
|---------|--|---|---|
| Belgium | Centre for Equal Opportunities and the Fight against Racism (Centrum voor gelijkheid van kansen en voor racismebestrijding/Centre pour l'égalité des chances et la lutte contre le racisme, CECLR) | Racial and ethnic origin. In the future the centre will also cover discrimination based on religion and belief, disability, age, and sexual orientation. | Informal role in decision-making Training Counselling Legal advice Mediation Bringing cases to court |
| Germany | The Commissioner for Integration and Migration of the Berlin Senate (Formerly: Commissioner of Foreigners' Affairs) (Die Ausländerbeauftragte des Senats von Berlin) | Racial and ethnic origin, and religious grounds — mostly related to anti-Semitism and discrimination against Muslims. | Campaigns Training Policy advice Counselling Mediation |
| Denmark | The Board for Ethnic Equality (Nævnet for Etnisk Ligestilling) (¹) | Racial and ethnic origin and religion. Indirectly with gender issues. | Statements on issues of discrimination Counselling Campaigns |
| | The Advisory and Documentation Centre on Racial Discrimination (Dokumentations- og rådgivningscenteret for racediskrimination, DRC-DK) (²) | Racial and ethnic origin and religion. | Telephone hotline Legal assistance Legal representation Research projects |
| France | Regional citizenship commissions (Commissions départementales d'accès à la citoyenneté, CODAC) | Racial and ethnic origin. | Network building Advice Specifying redress for action, correction of discriminatory practices |
| | Group to Study and Combat Discrimination (Groupe d'étude et de lutte contre les discriminations, GELD) | Racial and ethnic origin. | Free phone line Analysis of discrimination Research Campaigns |

(¹) The board will be closed by January 2003.

(²) The centre's role may be reduced following the discontinuation of government funding as of 2002.

| Country | Name | Grounds of discrimination included | Role of institution |
|-----------------|---|--|---|
| Ireland | Equality Authority (EA) | Gender, marital status, family status, sexual orientation, religious belief, age, disability, race (including colour, nationality or national or ethnic origin) and membership of the 'traveller' community. | Policy advice and comments on legislative initiatives Campaigns and training Advice Legal services Equality reviews Research |
| | Office of the Director of Equality Investigations (ODEI) | Gender, marital status, family status, sexual orientation, religious belief, age, disability, race (including colour, nationality or national or ethnic origin) and membership of the 'traveller' community. | Counselling Mediation Investigating complaints Giving binding and enforceable decisions |
| Italy | Commission for Integration Policies (?) (Commissione per le politiche di integrazione) | Also covers integration, not just discrimination. The grounds covered are racial and ethnic origin and religion and belief. | Proposing and commenting on legislative initiatives |
| Luxembourg | Special Commission against Racial Discrimination (Commission spéciale contre la discrimination raciale, CSP-RAC) | Race and ethnicity. | Giving proposals and policy advice to political decision-makers Campaigns and training |
| The Netherlands | Equal Treatment Commission (Commissie Gelijke Behandeling) | Religion, personal convictions and views, political orientation, race, gender, nationality, sexual preference, marital status, extent of employment (full-time versus part-time work). The Commission does not yet cover age and disability, but legislation is in preparation. | Training Counselling Investigating complaints Hearings The Commission provides decisions, opinions and recommendations, although they are not legally binding |
| | Expertise Centre on Age and Society (Expertisecentrum leeftijd en maatschappij, LBL) | Age (including gender and ethnicity-related aspects of age). | Training material Informal policy advisory role Stimulating research activities |
| | National Bureau against Racial Discrimination (Landelijk Bureau ter bestrijding van Rassendiscriminatie, LBR) | Race and ethnicity. | Training Advice Research and studies |
| Portugal | Commission for Equality and against Racial Discrimination (*) (Comissão para a Igualdade e contra a Discriminação Racial) | Race, colour, ethnicity and origin. | Recommendations for adoption of legal measures Conducting investigations |
| Sweden | Disability Ombudsman (Handikappombudsmannen, HO) | Physical or mental disability. | Reviewing legislation Campaigns and training Telephone counselling Reconciliation Predominantly labour-related competences |

(?) The Italian Commission was no longer in operation at the time of going to press.

(*) The Portuguese Commission no longer had a president from April 2002, as the government had not yet appointed a high commissioner.

| Country | Name | Grounds of discrimination included | Role of institution |
|---------|---|--|--|
| Sweden | Ombudsman against Discrimination because of Sexual Orientation (Ombudsmannen mot diskriminering på grund av sexuell läggning, HomO) | Sexual orientation. | Reviewing legislation Campaigns and training Telephone counselling Investigations Reconciliation Predominantly labour-related competences |
| | The Ombudsman against Ethnic Discrimination (Ombudsman against Ethnic Discrimination, DO) | Race, ethnicity and religion. | Reviewing legislation Campaigns and training Telephone counselling Investigations Reconciliation Predominantly labour-related competences |
| Finland | Office of the Ombudsman for Minorities (Vähemmistövaltuutettu) | Racial and ethnic origin. The Minority Ombudsman is consulted in asylum-seeker cases and in cases of expulsion. | Statutory right to make proposals (Handling asylum applications — drafting to be checked following Programme Committee meeting of 28 May) Legal advice Juridical assistance |
| UK | Commission for Racial Equality (CRE) | Race. | Policy advisory role on Race Relations Act Training materials Campaigns Advice Formal investigations Legal representation |
| | Disability Rights Commission (DRC) | Disability. A broad definition which also covers sensory disability and learning difficulties. | Advice to government on disability legislation Campaigns Training Advice Assistance in court cases Conciliation services Formal investigations |
| | Equality Commission for Northern Ireland | Political opinion, religious belief, race/ethnicity, disability, gender, and marital status. | Formal consultative status Public education campaigns Training and capacity building Advice Formal investigations and non-discrimination notices Support in legal cases |

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