

EQUALITY BODIES AND INCLUSION OF MIGRANTS, REFUGEES AND ASYLUM SEEKERS

COMPENDIUM OF GOOD PRACTICES | 2017 UPDATE |

Practices with a * were added in December 2017

CASEWORK AND COMPLAINTS

AUSTRIA – [Ombud for Equal Treatment](#)

Access to night clubs

GLEICHBEHANDLUNGSANWALTSCHAFT  ÖSTERREICH The Austrian Ombud for Equal Treatment reported cases of migrant men being **denied access to night clubs**. Both the Austrian Equal Treatment Commission and the competent civil courts have found discrimination on grounds of ethnicity in many cases, leading to amicable solutions, including for instance an apology, an invitation to the club, or the payment of damages. On the basis of its counseling experience in these cases, the Ombud also offers special legal and sensitization trainings to security staff and doormen.

There have also been reports about incidents of explicit exclusion of asylum-seekers and refugees at clubs and discos.

CZECH REPUBLIC – [Public Defender of Rights](#)

Refugee woman wearing the headscarf and access to education



An asylum-holder was forbidden from **wearing her headscarf at her medical school** and withdrew from her studies. The school policy prohibited any head-dress without exception. The Public Defender of Rights concluded that the school indirectly discriminated against her, given that no legitimate aim was found behind the policy, violating the European Convention on Human Rights and the Czech Charter of Fundamental Rights. Following the decision of the Public Defender of Rights, the complainant initiated an anti-discrimination lawsuit which is still pending.

FINLAND – [Non-Discrimination Ombudsman](#)

Gender-based violence against lesbian asylum seeker*



YHDENVERTAISUUS
VALTUUTETTU
DISKRIMINERINGSOMBUDSMANNEN
NON-DISCRIMINATION OMBUDSMAN
OVTTAVEARDÁSAŠVUODAAITTARDEADJJI

The Finnish Non-Discrimination Ombudsman made a submission in the asylum proceedings of a young lesbian single mother, who has suffered from gender-based violence. During the asylum hearing, she had difficulties understanding the translator and the questions, in particular about her sexual orientation, which were very abstract. The gender-based violence claims were completely disregarded in the proceedings.

In their submission, the Non-Discrimination Ombudsman emphasized the specific procedural needs of applicants from vulnerable groups and the obligation to take into account the multiple grounds for the need of protection, including gender-based violence on the basis of the Istanbul Convention.

FRANCE – [Defender of Rights](#)

Sexual harassment against migrant women



In a decision regarding **sexual harassment against the employee of a cleaning company**, the Defender of Rights sought external expertise on the relationships of power and domination migrant women are subject to in the cleaning business. The case was brought by the European Association Against Violence Against Women at Work. In

November 2017, the complainants won the case before the French labour court. More information is available [here](#).

GERMANY – [Federal Anti-Discrimination Agency \(FADA\)](#)

Housing discrimination against Syrian refugees and asylum-seekers*



Antidiskriminierungsstelle
des Bundes

In the last month, the Federal Anti-Discrimination Agency (FADA) has received a rising number of complaints about discrimination against Syrian refugees and asylum-seekers. For instance, a Syrian family was refused an apartment because the owner affirmed she regarded Syrians as “generally dangerous”.

FADA used this opportunity to re-emphasise the illegality of housing market discrimination. More information about the case if available [here](#) (in German).

GERMANY – [Federal Anti-Discrimination Agency \(FADA\)](#)

Access to public swimming pools*



Antidiskriminierungsstelle
des Bundes

In the aftermath of the incidents of sexual assaults allegedly involving migrants on New Year’s Eve 2016, FADA received an increased number of reports about general bans on “refugees” or “North-Africans/Arabs” in a number of mostly public swimming pools in Germany.

FADA publicly recalled that this constitutes discrimination and has successfully intervened with several local administrations to lift such bans.

In the private sector, similar discriminatory bans were reported to FADA in night clubs and gyms.

GREECE – [Greek Ombudsman](#)

Equal access of asylum seekers to social welfare benefits



The Ombudsman received a complaint from an Iraqi refugee who **was diagnosed with mental health problems**. Following the complaint, the Greek Ombudsman successfully recommended amending the ministerial decree on benefit payments for people with special needs by using Article 23 of the 1951 Geneva Convention which provides that refugees are entitled to the same social welfare treatment as nationals.

MALTA – [National Commission for Persons with Disabilities \(KNPD\)](#)

Accessibility to the building of the Commissioner for Refugees



The KNPD received a complaint from a wheelchair user. She needed to access the Office of the Commissioner for Refugees (OCR), but the entrance of the building is not accessible due to stairs. The KNPD contacted the OCR and requested feedback on this issue. Following confirmation from the OCR that the building is not accessible, the KNPD requested the OCR to provide a plan including a timeframe by when the offices would be made accessible.

UK - GREAT BRITAIN – [Equality and Human Rights Commission \(EHRC\)](#)

Case on asylum claims and sexual orientation



The EHRC brought a claim for judicial review in the case HJ (Iran) v Secretary of State for the Home Department. On 7th July 2010, the Supreme Court ruled that homosexual asylum seekers should be granted refugee status if going back to their homeland would result in them being forced to conceal their sexuality or face persecution for living openly as a gay person. The case can be found [here](#).

AWARENESS RAISING AND PROMOTION

GERMANY – [Federal Anti-Discrimination Agency \(FADA\)](#)

Information guide on protection against discrimination in 10 languages*



Antidiskriminierungsstelle
des Bundes

FADA has published a guide to German equality legislation with a focus on the situation of refugees and newly arrived immigrants.

A printed version of the publication is available in German, English and Arabic. It can be accessed online in seven other languages most frequently spoken in the refugee population. The guide is available [here](#).

GREECE – [Greek Ombudsman](#)

Online Guide on social rights and benefits for vulnerable groups (2016)



In 2016, the Greek Ombudsman issued an online Guide on social rights and benefits for vulnerable groups, with the support of the EEA Grant programme. The Guide focuses on the rights of the most socially and economically vulnerable groups that are often excluded from the protection mechanisms of the Greek state. It therefore also targets migrants and refugees. It includes information related to taxes, housing, employment, education, health and public insurance.

MALTA – [National Commission for the Promotion of Equality \(NCPE\)](#)

Training migrants and asylum seekers



NCPE was invited by the Agency for the Welfare of Asylum-Seekers (AWAS) to provide **equality training to all asylum-seekers**. Eight two-hour sessions were delivered in April and May 2016 to approximately 150 asylum-seekers in state-run open centres. During the sessions, NCPE explained the rights and obligations emanating from equality legislation in Malta and discussed with participants examples of discrimination at the workplace and in the provision of goods and services.

Participations were also given the opportunity to share and discuss personal experiences, and they were informed on how to lodge a complaint with NCPE. Information material on equality law and the NCPE was distributed following the session. Four two-hour training sessions were also delivered to employees of open and detention centres. NCPE is currently training asylum-seekers and migrants upon request of NGOs and the UN High Commissioner for Refugees.

PORTUGAL – [High Commission for Migration](#)

Magazine “Myths and facts about Refugees”



In cooperation with the Refugees’ Support Platform (an online platform aggregating NGOs, public institutions, universities, media and other groups), the High Commission for Migration released a magazine on “myths and facts about refugees”. 500 000 printed copies of the magazine were disseminated for free through the main Portuguese newspapers.

The electronic version of the magazine is available [here](#).

PORTUGAL – [High Commission for Migration](#)

Refugee Welcome Kit*



The High Commission for Migration developed a Refugee Welcome Kit with information to ensure a better reception of refugees in Portugal.

The kit includes a map of Portugal, a dictionary, a t-shirt with icons to indicate in case of needs, a sim card with 15 euros, useful contacts, a welcoming drawing by a child from a Portuguese school and frequently asked questions in 5 languages.

The Refugee Welcome Kit was designed and implemented based on consultation with refugees and refugee organisations. It is available [here](#).

PORTUGAL – [High Commission for Migration, Commission on Citizenship and Gender Equality \(CIG\), Commission for Equality in Labour and Employment \(CITE\)](#)

Promotion of information to migrants about the labour market, safety and health at work



ACM
ALTO COMISSARIADO PARA AS MIGRAÇÕES, I.P.



missão para a Cidadania e Igualdade de Género
Presidência do Conselho de Ministros



COMISSÃO PARA A IGUALDADE
NO TRABALHO E NO EMPREGO

The [Portuguese Strategic Plan for Migration](#) foresees the promotion of “information on rights and duties of migrant workers in the areas of labour relations, safety and health at work, and awareness-raising and information relating to equality and non-gender discrimination, particularly in the area of parenting, equal pay, reconciling work and family life, and moral and sexual harassment”. This measure is implemented in partnership between the [High Commission for Migration](#), the Commission for [Citizenship and Gender Equality](#), the [Commission for Equality in Labour and Employment](#) (all of them Equinet members) and the [Authority for Working Conditions](#). Training sessions on various issues such as combating human trafficking, preventing and eliminating Female Genital Mutilation (FGM), and gender equality were organised.

SLOVAKIA – [Slovak National Centre for Human Rights](#)

Awareness raising in schools



As part of its awareness raising mission, the Slovak National Centre for Human Rights organises debates and activities in schools in relation to equality and non-discrimination. Some activities specifically focused on the rights of migrants, asylum seekers and refugees in Slovakia.

RECOMMENDATIONS

CZECH REPUBLIC – [Public Defender of Rights](#)

Legislation on access to health insurance



According to the current Czech legislation, access to public health insurance can only be granted to third country nationals with a permanent residence permit. However, permanent residency is only granted after 5 years of residence in the Czech Republic. In the meantime, third country nationals have to purchase private health insurance. The Public Defender of Rights has repeatedly made recommendations to Parliament to amend the Public Insurance Act but no changes in the legislation have been made. The Public Defender of Rights was a party to the proceedings before the Constitutional Court, which in the end dismissed the application for annulment. The legislation subsequently remains the same.

FINLAND – [Non-Discrimination Ombudsman](#)

Assessment of asylum claims by applicants from vulnerable groups*



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Based on a submission made in an individual case to the Administrative Court, the Finnish Non-Discrimination Ombudsman put forward a public statement with recommendations. They dealt with procedural questions in the assessment of asylum claims by LGBTIQ applicants who are victims of torture and gender-based violence. The recommendations highlight the necessity to dedicate specific considerations and procedural safeguards as established by the European Court of Human Rights and its case law.

FINLAND – [Non-Discrimination Ombudsman](#)

ID in bars and night clubs*



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The Finnish Non-Discrimination Ombudsman has received several complaints concerning discrimination against migrants who were denied access to bars and night clubs. They were required to prove their age with an identity document, which must be issued by a National authority. As the legislation is currently being reviewed, the Non-Discrimination Ombudsman recommended that the new provisions should allow the age to be proven by other reliable documents, and not only those issued by Finnish authorities.

FRANCE – [Defender of Rights](#)

White Paper on the Fundamental Rights of Foreigners



In May 2016, the Defender of Rights issued a White Paper on the fundamental rights of foreigners living in France. The Paper gives recommendations regarding the respect of fundamental rights in the entry, residency and expulsion of foreigners, but also on equal treatment and non-discrimination. The paper is available in [French](#) and [English](#).

UNITED KINGDOM – NORTHERN IRELAND - [Equality Commission for Northern Ireland \(ECNI\)](#)

Position Paper on racial discrimination



In 2014, ECNI published a position paper on racial discrimination. It sets out a range of specific actions to promote the integration of migrants in areas such as employment, housing, health and social welfare. The paper is available in English [here](#).

CAPACITY BUILDING

BELGIUM – [Unia \(Interfederal Centre for Equal Opportunities\)](#)

Training of trainers



Unia delivered training sessions to Flemish trainers in charge of a project on social accompaniment and information for newly arrived migrants in Belgium. It focused on anti-discrimination legislation and practical advice on what to do in case of discrimination.

GREECE – [Greek Ombudsman](#)

Guide for public servants



In 2014, the Greek Ombudsman published a Guide for Public Servants consisting of an **on-line manual on issues of discrimination on the grounds covered by EU and Greek legislation**. The guide aims to help civil servants understand the basic facts and problems faced by the most vulnerable groups, including migrants.

500 copies were initially printed. They were firstly disseminated to the heads of public services which are frequently in contact with the targeted groups, such as migration and civic status authorities, municipal administration, police, prisons and schools. It is available in Greek [here](#). More information in English is available [here](#).

IRELAND – [Irish Human Rights and Equality Commission \(IHREC\)](#)

Equality training session in the mushroom industry



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas
Irish Human Rights and Equality Commission

In 2010 the Equality Mainstreaming Unit in the former Equality Authority supported a partnership project led by SIPTU (national trade union) that sought to increase its organisational capacity to support and improve equality outcomes for migrant women working in the mushroom industry. Three equality training sessions were held for the Commercial Mushroom Producers Association and equality guidelines were produced in the form of a video documenting the experiences of female migrant workers in the mushroom industry. Finally, a training module on equality was developed and integrated into training programmes for key union staff and personnel.

PORTUGAL – [High Commission for Migration](#)

Mentoring Programme for Migrants



ACM
ALTO COMISSARIADO PARA AS MIGRAÇÕES, I.P.

In 2012, the High Commission for Migration developed a mentoring programme which aimed to exchange experiences and support migrants with their everyday tasks in Portugal. It was developed as a joint initiative of the High Commission for Migration and GRACE (Group of Reflection and Support to Corporate Citizenship). The mentors are also migrants. By 2015, 411 mentors (330 women and

111 men) and 152 mentees (79 women and 73 men) registered to the programme. The website of the project is available [here](#) in Portuguese.

OTHER ACTIVITIES

DIRECT SUPPORT

GERMANY – [Federal Anti-Discrimination Agency \(FADA\)](#)

Counselling in Arabic*



Antidiskriminierungsstelle
des Bundes

In 2016, FADA hired two additional legal officers, for whom fluency in Arabic was a job requirement on top of their general qualification in equality law. This has allowed FADA to offer full legal counselling in this language (in addition to German and English).

PORTUGAL – [High Commission for Migration](#)

Email address and support line



ALTO COMISSARIADO PARA AS MIGRAÇÕES, I.P.

In September 2015, the High Commission for Migration launched an email address (refugiados@acm.gov.pt), a telephone line and a website (www.refugiados.acm.gov.pt). They aim to provide answers and collect contributions from institutions and citizens in order to support the hosting and integration of the 4574 refugees Portugal committed to welcome.

The complaints or requests of information about the Portuguese legislation received through these tools are forwarded to the Commission for Equality and against Racial Discrimination (www.cicdr.pt).

In parallel, the High Commission for Migration created the Support Office for the Integration of Refugees. This office aims to provide information about integration issues and to help refugees' access migrant support services available in Portugal.

RESEARCH

GERMANY – [Federal Anti-Discrimination Agency \(FADA\)](#)

Research on risks of discrimination against refugees and asylum-seekers*



Antidiskriminierungsstelle
des Bundes

In 2016, FADA published an analysis of the risks of discrimination against refugees and asylum-seekers in Germany. It is based on reports by 250 organisations working in this field and complemented by 20 interviews with refugees.

88% of the organisations indicated that refugees had reported experiences of discrimination to them. 85 % of aid workers and volunteers had witnessed discrimination against refugees themselves. Racist and religious discrimination were mostly reported. The report is available [here](#) (in German).

MALTA – [National Commission for the Promotion of Equality \(NCPE\)](#)

Study on female genital mutilation (FGM)



In the context of its work on violence against women, the NCPE conducted a study on FGM. It took into account the needs of healthcare providers when helping women and girls who have experienced FGM. It aimed to provide decision-makers with concrete evidence and recommendations. It was accompanied by an information leaflet. The link to the project on violence against women and the research on FGM is available [here](#) in English.

OTHER MANDATES OF THE EQUALITY BODY

FINLAND – [Non-Discrimination Ombudsman](#)

National Rapporteur on Trafficking in Human Beings



The Finnish Ombudsman is also National Rapporteur on Trafficking in Human Beings under the EU Directive 2011/36/EU and monitors the implementation of the Directive at national level, with a focus on the rights of the victims (a significant share of whom are non-Finnish citizens).

GREECE – [Greek Ombudsman](#)

Monitoring of returns of third country nationals



The Greek Ombudsman is competent to monitor the returns of third country nationals under the EU Directive 2008/115/EC and has the competence to visit detention centres and to issue recommendations.

HUNGARY – [Office of the Commissioner for Fundamental Rights](#)

National Preventive Mechanism – Optional Protocol to the Convention against Torture (OPCAT)



The report is available [here](#) (in English).

As National Preventive Mechanism for the OPCAT, the Commissioner has the power to visit reception centres. In April 2015, a report on an on-site visit to the Debrecen Guarded Refugee Centre was published. It provides recommendations on the living and security conditions of the Centre. The

IRELAND – [Irish Human Rights and Equality Commission \(IHREC\)](#)

National Human Rights Institution - Public statement about protection of refugees in Ireland



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas
Irish Human Rights and Equality Commission

In 2016, the IHREC published a [public statement](#), expressing their concerns over protection of refugees in Ireland, with a specific focus on child refugees and migrants.

IRELAND – [Irish Human Rights and Equality Commission \(IHREC\)](#)

Submission to the UN Committee on the Elimination of all forms of Discrimination against Women (CEDAW)



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

In its 2015 submission to the CEDAW Committee, IHREC raised concerns in relation to undocumented workers who may be victims of forced labour, or undocumented women who are victims of domestic violence.



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