

Responding to under-reporting:

FRA's sociological study on access to justice (preliminary findings)



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Structure of the presentation:

- The issue of under-reporting
- Introduction to the forthcoming FRA's sociological study on access to justice through Equality Bodies: access to justice framework to respond to under-reporting in cases of discrimination
- Tackling under-reporting through:
 - *rights-awareness*
 - *fundamental rights culture*, and
 - *accommodating diversity*
- Conclusions and recommendations: challenges to Equality Bodies



Under-reporting

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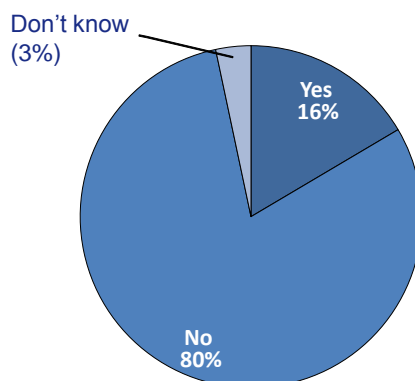
Underreporting: EU MIDIS

- First EU-wide survey on immigrants experiences of discrimination, criminal victimisation and policing
- 23,500 migrant/ethnic minority respondents
- Different groups surveyed across Member States:
 - Roma
 - Sub-Saharan Africans
 - Central and Eastern Europeans
 - Turkish
 - Former Yugoslavians
 - North Africans
 - Russian
- 5,000 majority population respondents in 10 MS

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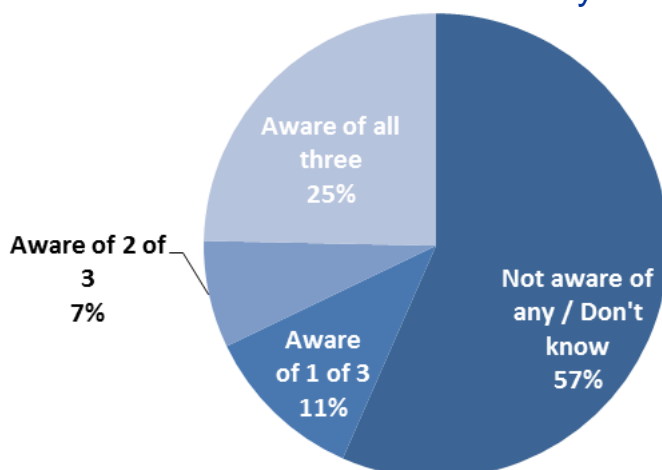
Core reasons for not reporting discrimination (%): awareness of any organisation that can support people who have been discriminated against



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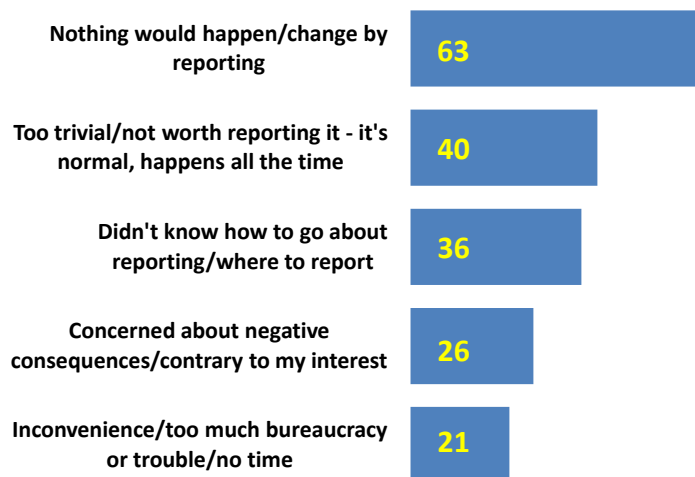
Core reasons for not reporting discrimination (%): awareness of anti-discrimination laws prohibiting discrimination on the basis of ethnicity



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Core reasons for not reporting discrimination (%):



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FRA's forthcoming study on access to justice through Equality Bodies

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“A sociological study on access to justice through Equality Bodies”

- Almost 400 semi-structured interviews in 8 EUMSs with:
 - **representatives of equality bodies**
 - **complainants**
 - **non-complainants**
 - **intermediaries**

- Presentation of final findings (official launch of the report will be at FRC in 12/2012) under three main clusters: structures, procedures, support.

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Access to justice ‘elements’ to tackle under-reporting

1. Structures

1. Complaint mechanisms and legislation
2. Geographical distance

2. Procedures

3. ‘Collective dimensions’
4. Fairness
5. Timely resolution
6. Effectiveness

3. Support

7. Legal advice and assistance
8. Other forms of support
- 9. Awareness of rights**
- 10. A fundamental rights culture**
- 11. Accommodation of diversity**

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Tackling under-reporting

through effective *rights-awareness/fundamental rights culture and accommodating diversity:*

**illustration of concrete practices
(preliminary findings)**

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Rights-awareness

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Means used by equality bodies to inform (potential) complainants about their services

| Means | Predominantly promotional type body | | Predominantly quasi-judicial type body | | Total |
|------------------|-------------------------------------|--------------|--|--------------|-----------|
| | count | % | count | % | |
| Website | 15 | 28.8 | 3 | 37.5 | 18 |
| Networking | 12 | 23.1 | 2 | 25.0 | 14 |
| Brochures/flyers | 12 | 13.5 | 0 | 0.0 | 12 |
| Campaigns | 6 | 23.1 | 1 | 12.5 | 7 |
| Phone/help desk | 7 | 11.5 | 2 | 25.0 | 9 |
| Total | 52 | 100.0 | 8 | 100.0 | 60 |

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Obstacles experienced

- Insufficient focus among institutions with a discrimination remit to communicate their work and services
- Use of technical legal jargon in information provided
- Uncertainty as to where to find relevant information, including on where to turn to complain and model cases that could give guidance

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Factors for success

- Existence and quality of communication strategies of relevant institutions, including outreach initiatives targeting particular groups and tailoring information to their specific needs
- Good standing or 'renommé' of the institutions involved
- Easy explanations on how to lodge a complaint, procedures and powers of bodies
- Proximity to specific groups through local offices, regular presence of representatives of relevant organisation or cooperation with NGOs

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What works in practice

As for **effective methods**: more impact was associated by EBs with websites and networking. Other means mentioned included word of mouth, direct contact with potential complainants, mass media, workshops, lectures, social media, outreach via member organisations, press conferences and media targeted at potential complainants.

As with complainants' views, brochures were seen as the **least effective**, followed by phone or help desks.

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Fundamental rights culture

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Number of equality bodies using communication strategies to support the promotion of a fundamental rights culture

| The equality body ... | Predominantly promotional type body | Predominantly quasi-judicial type body | Total |
|---|-------------------------------------|--|-------|
| does not work to support the promotion of a culture of rights | 3 | 6 | 9 |
| works to support the promotion of a culture of rights | 16 | 0 | 16 |
| Total | 19 | 6 | 25 |

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Obstacles experienced

- Political reluctance to combating discrimination and political convenience to express animosity towards certain groups
- Negative media reporting of groups at risk of discrimination
- The lack of resources to employ staff skilled in public relations
- Public bodies commonly not being models of good practice in promoting equality and combating discrimination

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Factors for success

- Networking by institutions with equality organisations to strengthen public relations capacity
- Developing cooperation with and supporting a build-up of knowledge with politicians and within media providers
- Presence in the media
- Public bodies functioning as role models regarding the development of anti-discrimination practices

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What works in practice

- Well-reasoned communication without pathos or emotions
- The use of non-legal and non-expert language
- Establishing good cooperation with the media and supporting the development of knowledge and of a more sensitive approach to news on equal treatment and non-discrimination

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Accommodating diversity

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Existence of a communication strategy to provide info to specific groups

| The equality body has a practice of providing information to specific groups ... | Predominantly promotional type body | Predominantly quasi-judicial type body | Total |
|--|-------------------------------------|--|------------|
| on a barrier free website | 21 | 3 | 24 |
| in easy to read brochures | 17 | 4 | 21 |
| in different languages | 16 | 3 | 19 |
| in sign language | 12 | 0 | 12 |
| in audio files | 10 | 0 | 10 |
| for people who cannot read or write | 7 | 2 | 9 |
| in brochures in Braille writing | 8 | 0 | 8 |
| to those who are illiterate due to a lack of education | 8 | 0 | 8 |
| in rooms that are accessible | 0 | 0 | 0 |
| by showing information videos on youtube | 1 | 0 | 1 |
| by supporting complainants in drafting texts | 1 | 0 | 1 |
| Total | 101 | 12 | 113 |

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Obstacles experienced

- Absence of formal procedures or checklists to identify and respond to needs in relation to accommodation of diversity at various stages

- Limitations in human, financial and time resources

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Factors for success

- Accessibility of the information, including in different languages and formats in clear and easy to understand language
- Accommodating (barrier free) buildings and website
- Adapted communication to different groups (grounds of discrimination as well as types of groups, such as a particular ethnic group)
- Staff composition of institutions with an equality remit which reflects the diversity in society

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What works in practice

- Identifying individual needs when providing face-to-face support was identified as a strategy for responding to the needs of individuals.
- There is a room for improvement related to various stages in the procedure, including providing information in a way that is easy to read and understand, free of barriers and in different languages; not only before lodging a complaint but also during the proceedings.

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Challenges to Equality Bodies? (preliminary findings)

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1. Effective advertisement of their existence and services
2. Competent and capable local and regional presence
3. Lead processes of collaboration, networking and cross-referral between various institutions involved in the justice system in an effort to reduce complexity.
4. Strategic approaches to fundamental rights culture and rights-awareness

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FUNDAMENTAL RIGHTS CONFERENCE at the European Parliament on 6-7 December 2012:

**official launch of the FRA's sociological
study on access to justice through Equality
Bodies**

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**Future work in this area includes,
among others:**

- **Case-law database**
- **C.L.A.R.I.T.Y.**

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Thank you for your attention!



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