

EQUALITY BODIES AND INCLUSION OF MIGRANTS, REFUGEES AND ASYLUM SEEKERS

AN EQUINET FACTSHEET | 2017 UPDATE |

BACKGROUND INFORMATION Equinet, the European Network of Equality Bodies, brings together **46 equality bodies from 34 European countries**. Equality bodies are public institutions set up across Europe to promote equality and tackle discrimination on grounds of gender, race, age, sexual orientation, religion and belief, disability or other grounds. They play a fundamental role in the non-discrimination architecture of the EU. As a first point of contact for victims of discrimination, equality bodies have an extensive understanding of how discrimination affects people in Europe.

The work of equality bodies on inclusion of migrants, refugees and asylum seekers



Equality bodies' mandate

According to EU legislation, each EU Member State is required to set up an equality body covering the grounds of race and ethnicity and gender. However, many EU Member States went beyond these requirements and have the power to address discrimination on the grounds of religion and belief, sexual orientation, disability, nationality, origin, language, age, etc. Even if an equality body does not explicitly cover migration status as a discrimination ground, **it has the power to assist any victim of discrimination irrespective of their nationality or migration status**.

In some cases, equality bodies also have **other specific functions** related to migration and asylum, such as National Human Rights Institutions or National Rapporteurs on Trafficking in Human Beings under Directive 2011/36/EU.

Areas of work

Almost all respondents reported work in relation to the inclusion of migrants, refugees and asylum seekers. Specific examples are compiled in the [appendix "Compendium of Good Practices"](#).

CONTEXT OF THE SURVEY

In May 2016, the Equinet Secretariat launched an internal consultation within its membership in order to get an overview of equality bodies' work on equality, integration and inclusion of migrants, refugees and asylum seekers in Europe. 20 equality bodies out of 45 replied to the survey.

The Factsheet aims to summarise the contributions received, with a specific focus on the area of inclusion of and discrimination against migrants, refugees and asylum seekers.

The Factsheet and Compendium of Good Practices were updated in December 2017.

CASEWORK

Equality bodies address cases of discrimination against migrants, refugees and asylum seekers on the grounds of **nationality, religion and belief and race and ethnicity**. **Disability and gender** were also mentioned. Cases concerned issues such as **access to education, housing and social protection**, and **wearing of the headscarf** at the workplace. However, several equality bodies **do not compile data** based on the nationality of the complainants.

AWARENESS RAISING

Raising awareness is part of the **core mandate** of national equality bodies. Most of the activities reported were organised in connection to the **ground of race and ethnicity**, such as creating pedagogical tools for schools, running campaigns against racism and organising Anti-Racism thematic days.

PUBLIC STATEMENTS AND RECOMMENDATIONS

Several equality bodies **made public statements or recommendations to decision makers** on inclusion issues. They concerned, for instance, the provision of information on anti-discrimination legislation by local authorities, the access of children to education and the reform of national anti-discrimination and labour legislation to take the situation of migrants into account.

CAPACITY BUILDING

Capacity-building activities such as the organisation of **training sessions** or the publication of **information guides** were also reported. They targeted migrants themselves, but also public servants, healthcare professionals, non-governmental organisations and local/regional authorities.

COOPERATION WITH STAKEHOLDERS

Reaching out to migrants and **understanding the specific forms of discrimination** they experience requires cooperation with stakeholders at different levels. Equality bodies reported cooperating with local and national authorities, non-governmental organisations and international organisations.

OTHER ACTIVITIES

Among the other activities reported by the respondents, we can mention:

- Investigations and inquiries
- Data collection
- Research
- Dedicated phone line for direct assistance
- Involvement in national action plans

Challenges

- **Prioritising and resources:** Although equality bodies' core mandate is broad, specific activities in relation to migrants, asylum seekers and refugees are not common. Engagement on the issue is frequently a function of the given equality body's geographical proximity or distance to significant migration routes, but is also moderated by the lack of human and financial resources within the equality body.
- **Data collection:** Little quantitative information regarding the proportion of migrants seeking help from equality bodies is available. This is due to both a lack of resources and in some cases legal barriers. Since 2015, a few equality bodies noticed an increase in the number of complaints to their equality body. However, due to the lack of information and data, this trend cannot be generalised.
- **Underreporting and reaching out to migrants:** Equality bodies' mandates address every citizen, regardless of their nationality or origin. However, some respondents reported a very low number of complaints by migrants. Cooperating with migrant organisations and providing targeted information in order to ensure migrants know about anti-discrimination legislation and the existence of the equality body could be ways to address underreporting in the future.

Ways forwards

National Equality Bodies

Strengthening cooperation with relevant stakeholders: Targeted cooperation with migrant organisations, national statistics offices, employment agencies and local authorities could help to raise awareness about anti-discrimination legislation and the existence of the equality body as a first point of contact for victims of discrimination.

Conducting research on discrimination against migrants, refugees and asylum seekers in order to gather evidence and find targeted ways to combat it. This includes collecting data on complaints submitted by migrants.

European Commission and EU Member States

Standards for the independence and effectiveness of equality bodies: Equality bodies play a fundamental role in the anti-discrimination architecture. In order to be effective, they need to act independently of national governments, have an adequate mandate and **sufficient human, financial and physical resources** in order to promote an inclusive society for all.

LIST OF CONTRIBUTORS

Unia (Interfederal Centre for Equal Opportunities) ([Belgium](#)); Commission for Protection against Discrimination ([Bulgaria](#)); Public Defender of Rights ([Czech Republic](#)); Non-Discrimination Ombudsman ([Finland](#)); Defender of Rights ([France](#)); Greek Ombudsman ([Greece](#)); Office of the Commissioner for Fundamental Rights ([Hungary](#)); Irish Human Rights and Equality Commission ([Ireland](#)); Office of the Ombudsman ([Latvia](#)); National Commission for Persons with Disability ([Malta](#)); National Commission for the Promotion of Equality ([Malta](#)); Commissioner for Human Rights ([Poland](#)); Commission for Citizenship and Gender Equality ([Portugal](#)); Commission for Equality in Labour and Employment ([Portugal](#)); High Commission for Migration ([Portugal](#)); Slovak National Centre for Human Rights ([Slovakia](#)); Council for the Elimination of Ethnic and Racial Discrimination ([Spain](#)); Equality Ombudsman ([Sweden](#)); Equality and Human Rights Commission ([United Kingdom – Great Britain](#)); Equality Commission for Northern Ireland ([United Kingdom – Northern Ireland](#))

