

CALENDAR 2021





Equinet, European Network of Equality Bodies works to strengthen and support national equality bodies and conveys their voice, knowledge and experience to advance equality and non-discrimination in Europe.

Equality bodies are public organisations assisting victims of discrimination, monitoring and reporting on discrimination issues, and promoting equality. They are legally required to do so in relation to one, some, or all of the grounds of discrimination covered by European Union (EU) law – gender, race and ethnicity, age, sexual orientation, religion or belief, and disability.

Equinet promotes equality in Europe by supporting equality bodies to be independent and effective catalysts for more equal societies. Our vision of an equal society is one where equality is a reality for everyone, diversity is valued, and all forms of discrimination have been eliminated.



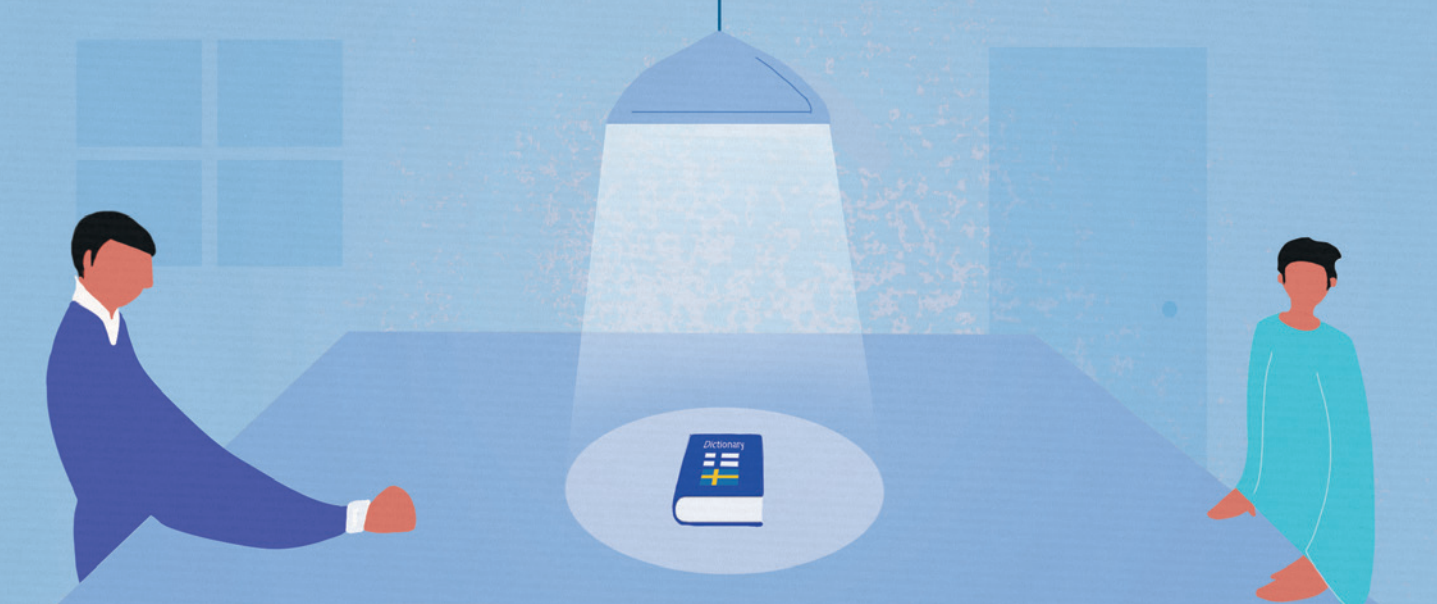
January

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27 International Day of Commemoration in Memory of the
Victims of the Holocaust

COMMISSIONER FOR ADMINISTRATION AND PROTECTION OF HUMAN RIGHTS, **CYPRUS**

The Commissioner for Administration and Protection of Human Rights received complaints that (public and private) hospitals had decided, in view of the COVID-19 pandemic, to prohibit fathers from being present during the birth of their children. The Commissioner drafted a Report pointing out that implementation of such practice is not in line with the relevant World Health Organisation guidelines, or the non-discrimination rule in relation to the obligation for more favourable treatment on women's issues related to motherhood. The Report recommended that hospitals review the controversial practice and consider allowing fathers who test negative on COVID-19 to be present during the birth of their children. Ensuring maternity protection supports favourable treatment of a woman, in particular as regards pregnancy, childbirth, lactation and motherhood. A violation of the above, constitutes gender discrimination. Following the intervention, the Minister of Health issued instructions to public and private hospitals for implementation of the recommendation and since then all hospitals have complied.



February

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1 World Hijab Day

5 Safer Internet Day

6 International Day of Zero Tolerance for Female Genital Mutilation

11 International Day of Women and Girls in Science

20 International Day for Social Justice

21 International Mother Language Day

22 European Day for Victims of Crime

NON-DISCRIMINATION OMBUDSMAN, FINLAND

Finland is a bilingual country where Finnish and Swedish have the same status as national languages. A young Swedish speaking person was taken into police custody. The police spoke almost only Finnish with the person although, according to Finnish language act and the constitution, the police should have given the person service in his mother tongue Swedish.

The Finnish Non-Discrimination Ombudsman took the case to the National Non-Discrimination and Equality Tribunal. The Tribunal stated that the person had been discriminated against when the police did not speak Swedish to him.

Both the constitution and the Non-Discrimination Act prohibit discrimination on the ground of language and the Police Act states that the police should promote equality. It is extremely important that the police acts in a non-discriminatory way and respects the language rights, especially in a situation where a minor is taken into custody.

The police complained about the tribunal's decision to the administrative court where the process is still ongoing.



March

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1 Zero Discrimination Day

8 International Women's Day

21 International Day for the Elimination of Racial Discrimination

NATIONAL COMMISSION FOR THE PROMOTION OF EQUALITY, MALTA

Maltese media reported that some Local Councils were considering the introduction of bylaws addressing loitering. NCPE's Commissioner noted that these were localities associated with the presence of migrants and persons from minority groups. These bylaws were considered to be potentially discriminatory on the basis of race and ethnic origin and an ex officio investigation was initiated. It was concluded that such bylaws targeting loitering had been implemented by the respective Local Councils to primarily target foreign nationals, particularly African migrants, in order to address complaints by residents of such localities.

Whilst the NCPE's Commissioner acknowledged challenges brought by migration, she reiterated that seeing migrants' presence in a locality as a problem, lead to this specific social group to be perceived as a threat, simply because of the cultural background or skin colour. Moreover, the Commissioner encouraged the relevant authorities to address the specific needs of migrants rather than target them by implementing such bylaws, as these contribute to the fuelling of racism. The Commissioner declared all bylaws addressing loitering as 'the persistent presence of any person for no apparent reason' to be indirectly discriminatory on the basis of race and ethnic origin.



April

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OFFICE OF THE OMBUDSWOMAN, CROATIA

Sara went shopping with her family, to buy presents for her nephews. As they entered the store of a famous brand, the manager immediately called the security guard to follow them around because they were Roma. Soon after, and for the same reason, the guard escorted them out. Sara filed a complaint to the Ombudswoman of Croatia who, after collecting all available information including surveillance video, found that they were directly discriminated based on their ethnicity. As a result of the complaint, the brand issued both a direct and a public apology to Sara and her family, organized training for employees on diversity and inclusiveness and terminated the contract with the security company. Sara is still considering taking her case to court.

8 International Day for Roma

26 Lesbian Visibility Day

29 European Day of Solidarity between Generations



May

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5 European Independent Living Day

17 International Day against Homophobia, Transphobia and Biphobia

OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS, POLAND

Joanna, a transgender woman, was hired to work for a security company. Throughout the hiring process she was still going through the process of changing the gender indicated on her documents. When her employer found out that her documents identified her as male, he insisted on her wearing a male uniform. When she opposed, the employer did not allow her to start performing her duties. She took her case to court to claim damages.

The court initially ruled that asking a woman to wear trousers was not discriminating. With a legal representation from Campaign against Homophobia (KPH) and with support of the Commissioner for Human Rights who has joined the proceedings, Joanna appealed this decision and achieved a new ruling in her favour from the district court in Warsaw. Joanna's case was ruled as discrimination based on gender identity, also referring to the Polish constitutional principles concerning the protection of the dignity of every human being and equal treatment. This landmark case was the first time that a Polish court explicitly ruled on discrimination of transgender persons.



June

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1 Global Day of Parents

20 World Refugee Day

UNIA (INTERFEDERAL CENTRE FOR EQUAL OPPORTUNITIES) AND THE INSTITUTE FOR THE EQUALITY OF WOMEN AND MEN, BELGIUM

Marie applied for a job in a pharmaceutical company. She is deaf and was pregnant at the time of the interview. The company offered her an administrative position as a test to see if her disability could be an issue in her employment. She refused this job because she has a Master in bio-engineering and no other candidate receiving a similar proposition. She contacted Unia and the Institute for the Equality of Women and Men and went to court. The Labour Court of Antwerp recognized multiple discriminations based on gender and disability. It's the first time a Belgian court has ordered a company to pay cumulative damages for multiple discriminations in a recruitment procedure.



July

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15 World Youth Skills Day

COMMISSION FOR PROTECTION AGAINST DISCRIMINATION, BULGARIA

In June 2018 a primary school published a message on its website and Facebook page, stating that the enrollment of first-graders was open, but children of Roma origin were not accepted. In a TV interview, the director of the school stated that she personally published the text, including the requirement for the ethnicity of the first graders.

The Commission for Protection against Discrimination self-referred with a report and ruled on the case. They found that the director's message "We do not enroll children of Roma ethnicity", was an act of "bullying" against children from this vulnerable group. The distribution of students according to their ethnicity restricts access to education and violates the right to equal treatment of children from vulnerable groups and their opportunity to participate in public life.

The Commission imposed a sanction and issued a recommendation for the principal to take measures to ensure equal access to education for children regardless of their ethnicity. The decision was upheld at a second instance court – the Administrative Court.



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12 International Youth Day

22 International day Commemorating Victims of Acts of Violence
Based on Religion or Belief

ADVOCATE OF THE PRINCIPLE OF EQUALITY, SLOVENIA

A post doctoral researcher and leader of an EU- and state-funded research project at the University of Ljubljana took maternity leave before the project ended. However, the Ministry of Education, Science and Sport declined her application for an extension of the project for the time of the leave. It argued that, even though parental leave in Slovenia lasts for one year, due to strict EU Cohesion Fund and European Commission rules, the researcher should find another researcher to replace her during her absence, or lose funding for the time of absence.

To challenge this decision, the researcher took her complaint to the Advocate of the Principle of Equality. The Advocate found the interpretation of the Ministry constitutes gender discrimination, as most people absent due to childbirth are women. In its view, the research projects can and should be extended when project leaders are temporarily absent from working at the project because of parenthood, even when such projects are regulated by European rules. In response to this, the Ministry pledged to revisit its approach.



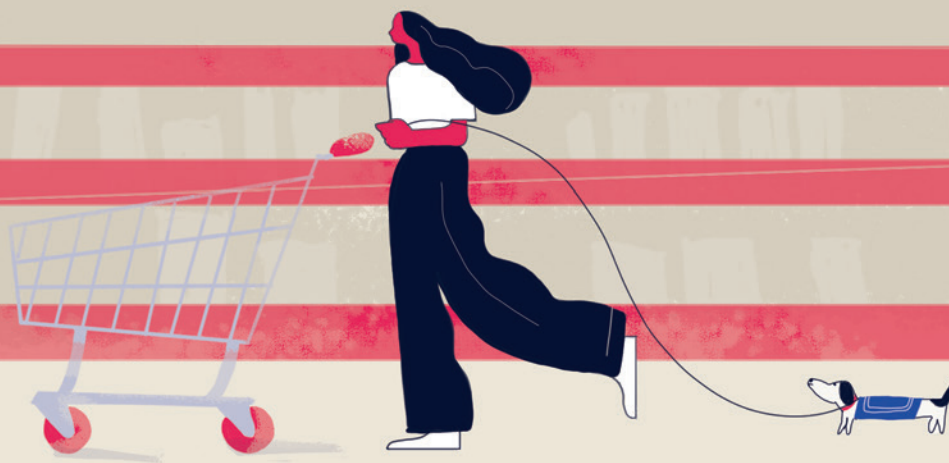
September

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21 European Day against Islamophobia / International Day of Peace

THE EQUALITY OMBUDSMAN, SWEDEN

A municipality in Southern Sweden decided to put in place a policy which in a general fashion banned pupils and school personnel from wearing attire "aimed at concealment" in the municipality's primary, secondary and pre-schools. On its own motion, the Swedish Equality Ombudsman launched an investigation into the ban. In its decision following the investigation, the Ombudsman concluded – using the CHEZ RB ruling from the Court of Justice – that although the policy was formulated in a neutral fashion, there was evidence that the municipality's purpose for the ban was specifically to restrict religious dress. The Ombudsman noted that there may be situations in which the wearer of religious dress would not be in a comparable situation with other pupils or employees – for instance, should the garment in question prevent an employee or pupil from performing a given pedagogic exercise. However, the presence of a discriminatory purpose behind the ban would inevitably lead to direct discrimination when applied in other situations. The Ombudsman thus determined that the ban was not in conformity with the Swedish Discrimination Act.



October

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1 International Day of Older Persons

17 International Day for the Eradication of Poverty

25 European Day of Justice

26 Intersex Awareness Day

FEDERAL ANTI-DISCRIMINATION AGENCY, GERMANY

Alina was just about to buy some groceries for dinner when she was stopped by an employee of the local supermarket. "Dogs are not allowed inside the supermarket," he said. Alina hardly leaves the house without her dog Molly as she suffers from panic attacks that are caused by her posttraumatic stress disorder. Molly wears a blue harness that says "assistance dog". She helps Alina to reduce stress and anxiety. Even though Alina explained her situation to the supermarket employee he still refused to let Molly inside – for hygienic reasons.

Alina contacted the Federal Anti-Discrimination Agency (FADA) on the grounds of disability discrimination. Indeed, a general ban on access for dogs can be discriminatory under the German Equal Treatment Act if it only affects people with disabilities or chronic diseases who are in need of a support dog. FADA requested a statement from the supermarket and achieved that Molly is now allowed to accompany Alina to the supermarket. Unfortunately, Alina's case was not an isolated incident as many other people with assistance dogs reached out to FADA. In a similar case that was brought before the German Federal Constitution Court, FADA was able to submit an amicus curiae brief. The court ruled in favour of the plaintiff and stated that in this case a general access ban for assistance dogs violated the principle of equal treatment guaranteed by the German Constitution.



November

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9 International Day against Fascism and Antisemitism

16 International Day for Tolerance

20 Transgender Day of Remembrance

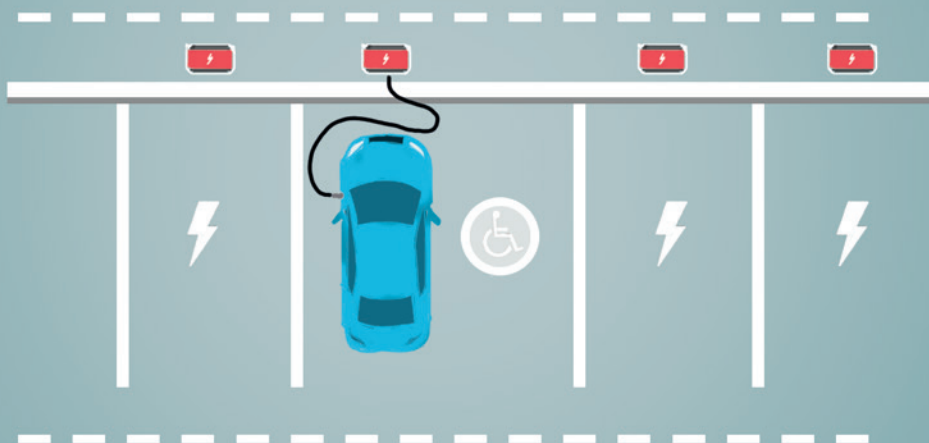
20 International Children's Day

25 International Day to End Violence against Women

SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS, SLOVAKIA

Vanessa was a happy child ready to join a local nursery school. Despite the fact that she was diagnosed with a mild health disability, she was cleared by her paediatrician who confirmed that Vanessa is capable of attending regular nursery school. The nursery school rejected Vanessa due to her disability – mild behavioural disorder. The Centre, representing Vanessa, filed a lawsuit claiming that the local nursery school violated Vanessa's right to education and discriminated her on the basis of disability.

During the trial, the nursery school argued that it is not able to accommodate Vanessa's special needs and provide her with an assistant. In Vanessa's defence, the Centre claimed that the nursery school did not demonstrate any will to create a welcoming environment for children with disabilities, including children that do not need any special accommodation. The nursery school seriously limited Vanessa's access to preschool education. The court ruled in Vanessa's favour and obliged the nursery school to apologize to Vanessa and her parents and to pay damages.



December

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3 International Day of Persons with Disabilities

10 Human Rights Day

18 International Migrants Day

EQUAL OPPORTUNITIES OMBUDSPERSON OF THE REPUBLIC OF LITHUANIA LITHUANIA

In 2020 the Equal Opportunities Ombudsperson of the Republic of Lithuania received a complaint that some newly installed electric vehicle (EV) charging stations were not accessible to persons with disabilities. Lithuanian municipalities received EU funding for the development of broad network of EV charging stations but failed to ensure that main principles of Universal Design would be implemented as required by the international and national law. The Equal Opportunities Ombudsperson conducted a survey of 15 funded municipalities and found out that almost none of them took into account the needs of persons with disabilities. The Ombudsperson informed the municipalities and ministries involved about the violation of the Law on Equal Treatment. She also suggested to implement amendments in order to ensure the accessibility to all the residents. Municipal administrations promised to do that.



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* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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