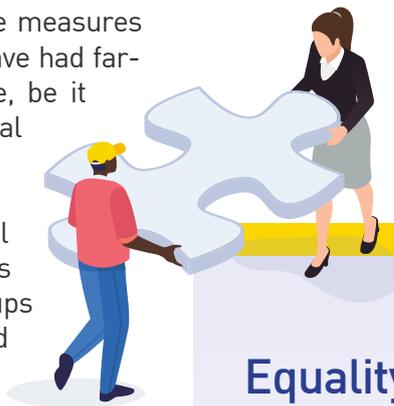


The Role of Equality Bodies During the COVID-19 Pandemic

2021

During the last months, the spread of COVID-19 has put Europe to a stress test, and the measures taken by governments to tackle the crisis have had far-reaching effects on almost all areas of life, be it health, employment, education or recreational activities. In our common efforts to contain the spread of the virus, we have witnessed impressive examples of solidarity and social cohesion. However, on numerous occasions we have also seen that minorities and groups at risk of discrimination have been blamed unjustifiably for the outbreak of the pandemic or for any setbacks in combatting it. Furthermore, there are many indications that the crisis has increased discrimination and social inequalities. It is therefore vital that all measures taken in response to the challenges, fully adhere to the right to equality and freedom from discrimination in particular.

This factsheet aims to give insight into the complaints related to COVID-19, received by national equality bodies in Europe from March until December 2020. It identifies the most common forms of discrimination resulting from the pandemic and highlights activities of national equality bodies, in particular those providing support and assistance to victims of discrimination. It is mainly based on the input of 28 national equality bodies from [Equinet's COVID-19 online database](#). The database is an interactive tool that shows how equality bodies are responding to COVID-19, namely by featuring the discrimination complaints they have received and what actions they have taken to assist groups at risk of discrimination. It is important to note that the data available in the database is limited as not all Equinet members have shared their experiences yet. Furthermore, in the absence of a template, the data for the cases has not been entered in a consistent way and some equality bodies have shared more, and in much more detail. Therefore, the following analysis does not claim to paint a comprehensive picture or present representative figures but rather portrays the main experiences of the work of equality bodies in a qualitative way.



Equality bodies are public institutions set up across Europe to promote equality and tackle discrimination on the 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.



Complaints received by equality bodies

As national equality bodies provide unbiased support to victims of discrimination, the complaints they receive may serve as an early warning for changes in the state of inequalities.

Equality bodies have received many complaints about discrimination on the grounds of age and disability (or health status where this is codified as a separate ground). This is partly because it was known early in the pandemic that older people and persons with underlying medical conditions are at a higher risk of getting seriously ill from COVID-19. This fact tempted some media, politicians, or even public authorities to refer to at-risk populations as “the old and the weak”. Although this does not constitute discrimination in the legal term, it may lead to stigma and solidification of **negative stereotypes** about older people or persons with disabilities. Such verbiage also denies that these are both very heterogeneous groups, encompassing persons with very different preconditions. Complainants also reported that some of the measures taken to contain the spread of COVID-19 had negative or **discriminatory side-effects on older people or persons with specific impairments**. For instance, numerous businesses (e.g. cinemas or supermarkets) as well as some governmental services (e.g. COVID-19 testing facilities) started providing “drive-through” services or had enabled access to specific services available only online. This was discriminating against persons who are not, or no longer able to, drive a car or use online services due to their age or various forms of disabilities. In other countries, regular services for persons with disabilities or services that are more important for this group had been terminated or suspended (e.g. home delivery services or transport services). Although some of these measures have been explicitly adopted to protect older persons or persons with disabilities specifically, they have led to other problems for these groups instead. Furthermore, following public discussions in some countries, older persons and people with disabilities sometimes justifiably fear that they will **not get access to healthcare** – and intensive care in particular – on an equal basis, but rather that the decision might be based on age or health status instead.

In their fight against the pandemic, many countries have adopted rules or regulations that are linked to certain **age limits**. For instance, some countries have implemented disproportionate protective measures

that only applied to older persons from a certain age onwards. Some equality bodies reported cases of hate speech, harassment, or discriminatory practices related to access to healthcare for older people because of the restrictions put in place to fight COVID-19. But there have also been complaints about stricter rules for younger people. For instance, several supermarkets or hardware stores reportedly refused admission for children.



In Serbia, several complaints were filed to the Commissioner for Protection of Equality regarding the fact that all persons older than 65 were officially banned from leaving their homes, which meant a permanent lockdown for them. They were only allowed to go outside once a week to listed supermarkets in the early morning hours.

Complaints about discrimination on the ground of disability were often related to a **lack of accessibility** to potentially vital information about the pandemic and ways to protect oneself and others from infection. Such complaints show that the needs of persons with disabilities are still too often neglected. In some cases, there have also been complaints about the **failure to provide reasonable accommodation**, for instance in the domain of employment and occupation, where companies had failed to comply with the required hygiene and protection measures for persons with disabilities.



The Federal Anti-Discrimination Agency in Germany has received complaints about the lack of sign language interpretation during governmental press conferences and news broadcasts informing about the pandemic and measures put in place.

During the last months we have also witnessed a dangerous surge of racist attitudes and conspiracy tales. This is also reflected in the many complaints that national equality bodies have received related to **hate speech and hate crime**. These incidents range from racist insults to threats of violence and actual physical attacks. In many of these cases, the victims were blamed by the perpetrators for the outbreak of the pandemic and the spread of COVID-19. While many of these verbal and physical attacks have been directed against persons of Asian origin, equality bodies have also documented hate speech or hate crime against Black persons, Roma or people of Italian origin. There have also been complaints about **racist undertones found in media coverage** about the pandemic. Many of these complaints have also been

related to stereotypes about persons of Asian origin or, in other cases, specific groups such as Roma or people of African descent, which they claimed have been linked to the spread of COVID-19.

In Spain, the Council for the Elimination of Ethnic or Racial Discrimination reported an incident involving a man of Asian origin, who had been insulted by racist expressions made in reference to COVID-19 and was hit on the back.

Furthermore, there have been complaints that people of Asian origin, Roma or Black people have been **denied access to public and private goods and services** (such as health care services, shops or hotels) because of the fear that they might be infected. In other cases, complainants reported that they had been treated differently compared to other customers, presumably because of their ethnic origin or because of racist ascriptions. For instance, people had felt that they were being kept at an excessive distance in comparison to other customers or they were told to wait for their turn outside the building. Finally, there have also been reports about **racial or ethnic profiling** in the context of monitoring the lockdown as well as reports about police violence against Roma.

The COVID-19 pandemic has also had huge effects on the **work-life balance** of employees. With many employees working from home, workers have been forced to rearrange their work duties, while taking care of their children, as long as day care centres and schools remained closed. This has put many parents – especially women and

single parents – but also other persons that care for older persons or persons with disabilities under considerable pressure. When it comes to **care responsibilities**, most of the discrimination complaints are related to violations of parental rights. For instance, employees reached out to national equality bodies because they were not granted specific leave or flexible working hours (e.g. breastfeeding leave or parental leave). There have also been reports about the dismissal of pregnant women or women asking for special parental leave. In other cases, employers were not ready to enable remote work for parents and caregivers, which may cause considerable problems as long as schools and care facilities remain closed.

In Croatia, a single mother had lost her job because the employer did not want to enable working from home.

Even though many (especially long-term) effects of the pandemic cannot be fully assessed yet, the last months have already shown us that the capability to protect ourselves from COVID-19 and its consequences correlates significantly with **socio-economic status**. For instance, there have been complaints that not all persons have access or can afford proper protective gear, such as (high quality) masks. Critique has also been voiced that recommended measures to contain the spread of COVID-19 did not adequately take into account the living conditions of specific groups of society. This might, for instance, affect people living in accommodations for refugees or Roma settlements. Governments have to make sure that all persons have adequate access to hygiene and protection, regardless of their socio-economic background or ethnic origin.

In December 2020 the Slovenian government lifted the restriction of movement among municipalities in four statistical regions with the best epidemiological situation. This easing was only applied to people who have the Covid-19 tracing app #OstaniZdrav installed on their mobile devices and permanently activated. The Advocate of the Principle of Equality received different complaints citing that the easing was discriminatory toward elderly people and those who do not have a smartphone. The Advocate started official assessments of the discriminatory nature of the regulation.

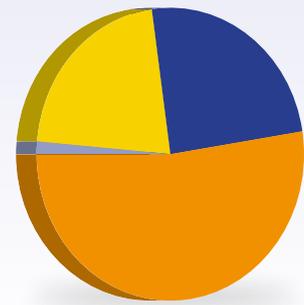
Equality bodies' responses to COVID-19 restrictive measures

National equality bodies have reported a wide range of activities (graph 1) taken up in response to the COVID-19 pandemic, with *complaints* accounting for more than half of them. Approximately one quarter of the reported activities concerned issuing *statements*. This is an important element of equality bodies' work, due to the necessity to **draw the public's attention to cases of discriminatory behavior**, which could emerge as a consequence of the state of emergency and/or lockdowns put in place to stop the spread of COVID-19. Such statements emphasized primarily how the crisis (disproportionately) affects vulnerable groups. Equality bodies have also been visible, and especially active, in **urging authorities to pay attention to the increased discriminatory behavior towards vulnerable groups** and in terms of **advocating for measures that ensure their protection**. Finally, the last quarter of the reported activities involves the different kinds of *public actions* undertaken by national equality bodies. These include public awareness campaigns on social media to **increase**

citizens' knowledge of their rights and freedoms, particularly under the specific conditions in place during a state of emergency or launching task forces to better coordinate and exchange information across relevant institutions.

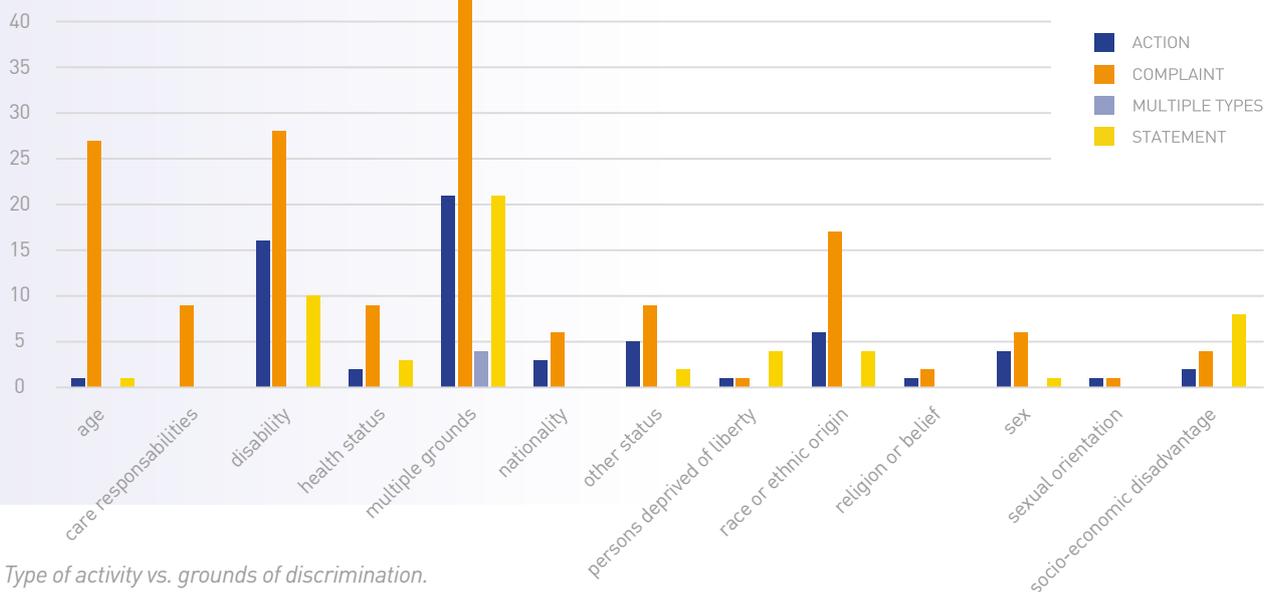
Types of activities of Equality bodies

- ACTION
- COMPLAINT
- MULTIPLE TYPES
- STATEMENT



Graph 1. The work of Equality bodies during the COVID-19 pandemic.

Grounds of discrimination



Graph 2. Type of activity vs. grounds of discrimination.

Graph 2 shows the **interconnection between the types of activities reported by equality bodies and the grounds of discrimination that they concerned**. When it comes to complaints handled by equality bodies, age, disability, race or ethnic origin, and sex were the most frequent grounds of discrimination found. More general types of activities of equality bodies, such as statements or public actions, primarily focused on the public and/or other institutions and authorities. As a result, they tended to be much more balanced and encompassing, covering multiple grounds of discrimination, either together or separately, and as such, also covering less

frequent grounds of discrimination (socio-economic disadvantage, health status or care responsibilities) than those reported in complaints. These activities were mostly concerned with the (dis)proportionate effects of the COVID-19 restrictive measures on one or more vulnerable group. They concerned ensuring equal access to healthcare, services, or employment for groups most impacted by the restrictions, or preventive measures aimed at eliminating discriminatory, stigmatizing or even violent behavior towards vulnerable groups during a state of emergency.

Activities of national equality bodies during the pandemic

Participation in courts and other ongoing legal procedures to provide them with expert opinions on present or future restrictive state measures in response to COVID-19.



The *Public Defender (Ombudsman) of Georgia* submitted an *amicus curiae* brief in relation to a law suit concerning an alleged discriminatory nature of the rules of entry into the country in the context of the pandemic. It stressed the importance of assessing how useful it is to impose different regulations only on the basis of nationality.

Unia (Interfederal Centre for Equal Opportunities) in Belgium participated as a member of several federal and regional governmental task forces. Through such participation they were able to quickly highlight issues and concerns of persons with disabilities to the relevant governmental authorities.

Collaboration with regional, national, or local authorities to inform them about possible discriminatory consequences of the restrictive measures put in place and suggesting alternative or more appropriate solutions.



Awareness-raising campaigns and communication on national media or social networks to highlight the possible discriminatory threats the pandemic is inflicting or may inflict upon the general public and/or groups especially at risk.

The *Irish Human Rights and Equality Commission* worked with the media to make sure that Ireland's COVID-19 related ethical guidance on the use of critical care resources pays necessary regard to human rights and equality considerations. The release on this issue has been published and issued in news desks.

The *National Commission for the Promotion of Equality (NCPE)* published a newsletter on the onset of the COVID-19 pandemic. The *Equality and the COVID-19 pandemic* newsletter gives an overview of the impact that the pandemic has on the grounds of gender, family responsibilities, age, race and ethnic origin, religion and belief, as well as sexual orientation and gender identity. Additionally, information on the benefits and challenges of teleworking, and the role of equality bodies, is also provided.



Collecting data by monitoring online questionnaires, investigations, or other administrative data to evaluate the impact or presumed negative consequences resulting from the measures put in place to stop the spread of COVID-19.

The *National Centre for Human Rights in Slovakia* monitored to what extent health care facilities and doctors had limited their services to urgent health care only, by requesting information from health care providers. In a similar matter, the equality body also organised online public consultations with organisations working with homeless people and low threshold community centers to monitor the situation of homeless people and people at risk of homelessness.



Own initiatives on how to implement certain measures aiming to stop the spread of COVID-19 in a non-discriminatory way.

The *Defender of Rights in France* called on the Parliament to be cautious about setting up a system for collecting and sharing personal health data for the purpose of fighting the spread of the epidemic, which could violate the fundamental rights to personal data protection and medical confidentiality.

In *Croatia*, debtors cannot use ATMs or other banking services such as contactless payment or internet banking, but instead are forced to go to the bank. Many debtors are older persons and chronically ill. They are at an increased risk of getting COVID-19 and should therefore avoid social contact as much as possible. The Office of the Ombudswoman in Croatia argued that due to restrictions of movement, forcing them to go to the bank could constitute discrimination based on property, socio-economic status and health. As a result, banks took the necessary steps to make their services widely available despite current restrictions.



A challenging context for equality bodies

Equinet's recent perspective '[Equality in the time of Covid-19: learning from equality body initiatives](#)' has identified important challenges that the COVID-19 pandemic poses to the work of equality bodies. These include:

- An emergency mindset and approach, not allowing time for planning and taking equality issues into account;
- Structural inequalities and discrimination that have been exacerbated;
- Negative public discourse necessitating effective communication strategies and the development and use of new narratives to respond to these and underline the value of equality;
- A socio-economic crisis and major investments expected to mitigate it necessitating an engagement with EU funds, ensuring that they are used in an equality-compliant manner;
- The need for strengthening equal treatment legislation at the national and EU level to ensure full and effective protection to all.

The COVID-19 database made some other practical challenges evident. These include:

- **EXCLUSION FROM DECISION MAKING:** Most national equality bodies were not included in the critical management teams on the national level and therefore non-discrimination perspectives were not considered in the decision-making process of the pandemic measures. In this situation, the strategy for many equality bodies was to react "from the outside". Equality bodies closely followed and evaluated whether or not the measures adopted and discussed in the media might be discriminative. Whether equality bodies' statements directed towards national governments were taken into consideration varies by country. However, positive impact and effective protection of equality has been observed in cases where equality bodies were treated as partners and had an opportunity to anticipate the discriminatory impact before the measures were adopted as was the case for Belgium.
- **INACCESSIBILITY OF DATA:** Important data regarding the pandemic was not accessible. Similarly, information and data about the impact of the pandemic measures were/are hard to obtain as

groups most at risk of discrimination are often not online. Furthermore, research has been limited by the restrictions put in place on movement. The risk of the spread of COVID-19 created actual barriers to field research and monitoring. Some equality bodies have conducted (online) monitoring activities to evaluate the direct impact of the pandemic measures and to monitor the obstacles that people faced in their daily lives. This information was also gathered based on individual complaints and independent investigations. However, direct cooperation with national statistical bodies would have enabled equality bodies to follow possible long-term impacts on equality and non-discrimination.

- **PROPORTIONALITY OF PANDEMIC MEASURES:** Some national equality bodies were put in a situation where it was necessary to evaluate whether the pandemic measures were proportionate or not in a completely new and complex situation. They were under pressure to evaluate the priority of the right to health and safety on the one hand, and the right to equal treatment and non-discrimination on the other hand. Many times, the measures adopted by governments were not primarily based on data or knowledge, but rather they stemmed from precaution or fear of the unknown.

- **INCREASED WORKLOAD:** Although equality bodies differ in their internal structures and size of organisation, all of them had to adapt to the increased workload and pressure, whether it was due to an increased number of complaints, consultations and information services or prompt and continuous media activities in reaction to increased hate speech on social media. The pandemic situation has shown how important the role of equality bodies is during critical situations and at the same time it has exposed the insufficient financial and structural support of some of them.

→ **MASSIVE HATE SPEECH:** *Hate speech on social media during the outbreak of the COVID-19 pandemic was overwhelming, including posts published by public figures. This had an additional negative effect on the overall atmosphere within the society and on the direct attacks on individuals observed over the months. It therefore required dynamic reactive responses from national equality bodies.*

Ways forward

The discrimination complaints received by equality bodies over the last months show that the **COVID-19 pandemic and the measures taken to tackle it had an overwhelmingly significant impact on equality and non-discrimination**. Many issues regarding discrimination that are well-known have been exacerbated during the crisis (e.g. hate speech or stereotypes). In addition, the COVID-19 pandemic has also triggered new forms of discrimination, such as those resulting from the negative side-effects of the restrictive measures put in place. In accordance with the [Equinet perspective on learnings from equality bodies in times of COVID-19](#), national equality bodies adjusted to the new situation and were proactive and accessible, willing to cooperate with all parties involved in fighting the spread of COVID-19. Communication was therefore of the highest importance when addressing the authorities



and the public about tackling discriminatory behaviour during the pandemic. In line with the [Equinet recommendation for a fair and equal Europe: Rebuilding our societies after COVID-19](#), **all measures taken to tackle the crisis should be subject to an equality impact assessment, which unfortunately hasn't been the case until now**. The pandemic and the resulting increased workload have also shown the importance of having **proper resources for national equality bodies** in order to enable them to carry out their functions independently and effectively and reinforced the need for strong **standards for equality bodies**.



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Equinet is the European Network of Equality Bodies, a membership organisation bringing together 47 equality bodies from across Europe. Equinet promotes equality in Europe by supporting and enabling the work of national equality bodies. It supports equality bodies to be independent and effective as valuable catalysts for more equal societies.

Equality bodies are champions for the core EU value of equality and defenders of the right to non-discrimination. They are public organisations assisting victims of discrimination, monitoring and reporting on discrimination issues, and contributing to an awareness of rights and a societal valuing of 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.

For more information on the role of equality bodies in tackling during the Covid-19 pandemic, please see the [Covid Response section of our website](#).

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