

Equinet Calendar 2023

Equinet is the European Network of Equality Bodies, a membership organisation of 47 National Equality Bodies. By strengthening and supporting National Equality Bodies, Equinet works towards achieving equality and ensuring non-discrimination for everyone in Europe, in all aspects of their lives.

Equality Bodies are public organisations, that assist victims of discrimination. They monitor and report on discrimination issues, and promote equality. They are legally required to do so in relation to one, some, or all of the grounds of discrimination covered by European Union law – gender, race and ethnicity, age, sexual orientation, religion or belief, and disability.

Until now, EU Directives did not give clear guidelines to Member States on what Equality Bodies needed to function well. This meant that people have had unequal levels of protection against discrimination across the EU. In December 2022, a new legislative proposal was published by the European Commission, outlining **minimum standards that cover the mandate, powers, independence, resources and accessibility of National Equality Bodies**. Once adopted and implemented, these standards will mean that we live in a more equal Europe, where effective protection from discrimination is a reality for everyone.

We hope the examples in this calendar will help you to better understand the work of Equality Bodies, and the ways in which these standards will make a difference to their work, and ultimately, to everyone in Europe.

January 2023

OFFICE OF THE COMMISSIONER FOR ADMINISTRATION AND THE PROTECTION OF HUMAN RIGHTS (OMBUDSMAN), CYPRUS

The power to issue and impose binding decisions with concrete recommendations grants Equality Bodies the ability to respond to cases of discrimination and actively ensure equality.

When the Ministry of Education in Cyprus refused to provide the necessary individualized reasonable accommodation to a student with disabilities during university admission exams, the Commissioner for Administration and the Protection of Human Rights submitted a report highlighting the discrimination against the student. The requirement to pass a standardized test without providing reasonable accommodation did not ensure the rights of the student to access education. The Commissioner held consultations with the Ministry and the student's family, resulting in a binding recommendation to the Ministry. As a result, the Ministry provided the student with differentiated exam papers and he was admitted to the University of Cyprus.

February 2023

NATIONAL COMMISSION FOR THE PROMOTION OF EQUALITY (NCPE), MALTA

An Equality Body's power to investigate cases of alleged discrimination contributes to restoring justice for victims. Legal powers to issue and follow up binding opinions could also further enhance equality.

The National Commission for the Promotion of Equality investigated the case of a single father with exclusive care and custody of his child, who was charged EUR 510 to file for his son's Maltese citizenship in order to get a passport. This fee does not apply to single parents who are women. The NCPE's investigation concluded that this parent had been discriminated against on the ground of sex, and recommended a refund of the fee. The NCPE's opinion was sent to the parties in the investigation, as well as to the Minister responsible. The law was later amended so that all single parents irrespective of their sex are exempt from paying such a fee. Additional legal powers to issue binding opinions, and carry out follow up work that may lead to imposing sanctions, would strengthen the status of the Equality Body leading to increased trust and effectiveness that can bring about the necessary changes to enhance equality in Maltese society.

March 2022

UNIA, INTERFEDERAL CENTRE FOR EQUAL OPPORTUNITIES, BELGIUM

Equality Bodies able to strategically allocate resources and capacity can ensure their accessibility and visibility throughout the territory they have competence in, and use their expertise and know-how to support local communities in creating a more inclusive environment.

Unia, the Interfederal Centre for Equal Opportunities, has had local ambassadors helping to implement local policies in various cities across Belgium for more than 10 years. Roeselare is a small city which has recently experienced a fairly large influx of newcomers and according to figures, the tolerance towards people of other origins is quite low. The city decided to join the European Coalition of Cities Against Racism and define a cohabitation plan to reduce discrimination and racism. Through its local ambassador, Unia contributed to local equality by participating in the definition of the plan with its expertise, including on anti-discrimination policy, trainings and follow-up of reports of discrimination.

April 2022

OFFICE OF THE PUBLIC DEFENDER OF RIGHTS, CZECH REPUBLIC

The power for Equality Bodies to represent victims of discrimination in courts strengthens their capacity to effectively restore justice. When that power lacks, Equality Bodies sometimes strategically cooperate with other bodies or organisations that work on equality and rights to provide pro bono legal aid to victims of discrimination.

A Romani social worker and community leader entered into a dispute with the director of a housing corporation. She became the target of private and public racially motivated verbal abuse by the director, who even addressed the Romani woman with racial slurs in an interview for a weekly magazine. The woman filed a complaint to the Office of the Public Defender of Rights in the Czech Republic. The Ombudsman compensates its lack of litigation powers by cooperating with non-governmental organisations that provide pro bono legal aid to victims of discrimination. The organisation represented the Romani woman in front of the Regional Court, which concluded that the director discriminated against the woman and breached her right to equal treatment. The director was obliged to publicly apologise in the weekly magazine, and pay CZK 25 000 (EUR 1 000) as compensation to the woman.

May 2022

COMMISSIONER FOR HUMAN RIGHTS, POLAND

A more restrictive or extensive mandate can make a significant difference for the work of Equality Bodies: it defines the fields of life, forms and grounds of discrimination upon which they can act. Equally, their independence from governments allows Equality Bodies to challenge discriminatory practices of public authorities and their power to file complaints to the courts is crucial to effectively counter discriminatory practices.

When in recent years various Polish local governments declared themselves as free from LGBT "ideology", the independence of the Commissioner for Human Rights and the inclusion of gender identity and sexual orientation in its mandate became more important than ever. It allowed the Commissioner to address the issue by using its power to file complaints to Administrative Courts. The Courts and the Supreme Administrative Court agreed on the discriminatory character of these so-called "anti-LGBT resolutions" adopted by local governments, which created a hostile environment for the LGBTQI+ community and violated human dignity and the prohibition of discrimination.

June 2022

ADVOCATE OF THE PRINCIPLE OF EQUALITY, SLOVENIA

Equality Bodies should all be allowed to operate independently from governments, so that they can effectively address discrimination on all grounds and in all fields of life.

The Slovenian Advocate of the Principle of Equality's independence from the Ministry of Health and other government departments has recently proven fundamental in contributing to eliminate discrimination in blood donation. Men who have sex with men were prohibited from donating blood, based on their supposedly risky sexual behavior, and thus likelihood to contract blood-borne viruses such as HIV. The Advocate investigated the matter and highlighted how homosexual and bisexual men were indeed discriminated against. On 1 July 2022, a new regulation based on the Advocate's decision entered into force in Slovenia. Now the selection of blood donors depends solely on the riskiness of their sexual behavior, regardless of their gender or sexual orientation.

July 2022

OFFICE OF THE EQUAL OPPORTUNITIES OMBUDSPERSON, LITHUANIA

Equality Bodies with powers that include investigating complaints and carrying out preventive activities are best able to address discrimination in their communities by using an effective combination of these powers. This allows them to respond to the individual complaint and use its results for their preventive work, aiming at wider, societal-level change.

The Office of the Equal Opportunities Ombudsperson of the Republic of Lithuania received in 2022 multiple complaints about the elevators in old residential buildings that did not stop at the 2nd floor, causing problems especially for people with mobility issues. If the residents wanted to include an additional stop, they all had to agree on covering the extra cost. Thanks to its mandate, the Ombudsperson was able to launch an investigation, which resulted in one building administration adding the extra stop. This case was broadly covered in the media and initiated a public discussion

on the necessity to amend the regulation on the maintenance of multi-apartment buildings to make it more inclusive.

August 2022

OFFICE OF THE GREEK OMBUDSMAN, GREECE

In case of discriminatory provisions in the law, Equality Bodies that have the power to make recommendations to policy-makers and legislators can push for amendments that restore equality and ensure inclusivity.

The Greek Ombudsman identified a gap in the law that resulted in adoptive mothers not being granted special maternity benefits, which are offered to biological mothers or those giving birth through surrogacy. The Ombudsman followed the developments on this issue and proposed an amendment to the law to eliminate such discrimination. Having recently received a complaint from an adoptive mother, the Ombudsman pushed again for the extension of this benefit. The law was amended and now adoptive mothers can request a special 6-month maternity leave from the moment of adoption until the child is eight, to ensure that their needs during early infancy are met.

September 2022

OMBUDSMAN'S OFFICE, LATVIA

It is crucial that Equality Bodies have the practical tools to protect vulnerable groups and those more often isolated from society, like a mandate that covers all grounds in all fields and investigation powers, such as the possibility to access closed institutions.

As part of monitoring the latest Parliamentary Elections, the Ombudsman's Office of Latvia visited five (out of six) psychiatric hospitals and five (out of nine) prisons across Latvia to ensure that people in these institutions were equally able to exercise their right to vote in the elections. The Ombudsman's visits ensured that the institutions and the Central Election Committee were aware of these voters' rights and how to protect them, for instance by providing reasonable accommodation when needed, or by making sure that information on the election was available to patients and inmates in advance. The visits also ensured that voters were aware and informed about the voting process and that voting was accessible, followed legal procedures, and that no voter manipulation, misinformation, exercise of force, or voter fraud took place.

October 2022

EQUALITY OMBUDSMAN, SWEDEN

Equality Bodies with investigation and litigation powers can use a combination of the two to act upon individual complaints and effectively seek redress, which delivers results for individuals who have been discriminated against.

The Swedish Equality Ombudsman has recently investigated the case of a non-binary child who uses the Swedish gender-neutral pronoun "hen". Despite the child's guardians informing the school about their pronoun, the wrong pronoun was used for an entire term, without the school investigating the issue or taking any action to fix this practice amounting to harassment. The Ombudsman managed to secure redress on behalf of the child. Because of the Ombudsman's power to litigate in courts, the school preferred to go into settlements, agreeing that it had not fulfilled its obligations to promptly

investigate and take measures to put a stop to the harassment of the child. The school agreed on a compensation of SEK 150 000 to the child.

November 2022

OMBUDSMAN FOR PERSONS WITH DISABILITIES, CROATIA

Equality Bodies' power to warn both public and private entities for discrimination, coupled with concrete recommendations, is key to the elimination of discriminatory practices.

The Ombudsman for Persons with Disabilities in Croatia has recently found that, based on a local government rulebook, a child with autism was refused admittance to a kindergarten because the disability was considered too severe. The Ombudsman sent a warning that emphasized how the lack of reasonable accommodation for the child constitutes discrimination on the ground of disability. It recommended an amendment to the rulebook to allow all children to access kindergarten. Thanks to the Ombudsman's intervention, the rulebook was amended and as a consequence, five children with disabilities were admitted to kindergarten with their peers.

December 2023

NON-DISCRIMINATION OMBUDSMAN, FINLAND

Litigation powers give Equality Bodies the opportunity to assist the victims of discrimination in court cases, possibly leading to decisions that not only benefit the victims, but strengthen equality for all.

In 2017, the Non-Discrimination Ombudsman of Finland responded to the case of a person with disabilities who had to purchase three adjacent full-price plane seats in order to be able to fly with Finnair. The Ombudsman took the case to the Non-discrimination Tribunal, which found that the passenger had been indeed discriminated against. Finnair appealed the Tribunal's decision, and the case went all the way to the Supreme Administrative Court. In 2021 the Supreme Court agreed that this was discrimination, arguing that Finnair should have provided reasonable accommodation for the passenger. This decision significantly strengthens the equality and freedom of movement of persons with disabilities.

EQUINET MEMBERS:

COMMISSIONER FOR THE PROTECTION FROM DISCRIMINATION, ALBANIA. AUSTRIAN DISABILITY OMBUDSMAN, AUSTRIA. OMBUD FOR EQUAL TREATMENT, AUSTRIA. UNIA (INTERFEDERAL CENTRE FOR EQUAL OPPORTUNITIES), BELGIUM. INSTITUTE FOR EQUALITY BETWEEN WOMEN AND MEN, BELGIUM. INSTITUTION OF HUMAN RIGHTS OMBUDSMAN, BOSNIA AND HERZEGOVINA. COMMISSION FOR PROTECTION AGAINST DISCRIMINATION, BULGARIA. OMBUDSWOMAN OF THE REPUBLIC OF CROATIA, CROATIA. OMBUDSPERSON FOR GENDER EQUALITY, CROATIA. OMBUDSWOMAN FOR PERSONS WITH DISABILITIES, CROATIA. OFFICE OF THE COMMISSIONER FOR ADMINISTRATION AND THE PROTECTION OF HUMAN RIGHTS (OMBUDSMAN), CYPRUS. OFFICE OF THE PUBLIC DEFENDER OF RIGHTS, CZECH REPUBLIC. DANISH INSTITUTE FOR HUMAN RIGHTS, DENMARK. GENDER EQUALITY AND EQUAL TREATMENT COMMISSIONER, ESTONIA. OMBUDSMAN FOR EQUALITY, FINLAND. NON-DISCRIMINATION OMBUDSMAN, FINLAND. DEFENDER OF RIGHTS, FRANCE. PUBLIC DEFENDER (OMBUDSMAN), GEORGIA. FEDERAL ANTI-DISCRIMINATION AGENCY, GERMANY. GREEK OMBUDSMAN, GREECE. OFFICE OF THE COMMISSIONER FOR FUNDAMENTAL

RIGHTS, HUNGARY. IRISH HUMAN RIGHTS AND EQUALITY COMMISSION, IRELAND. NATIONAL OFFICE AGAINST RACIAL DISCRIMINATION, ITALY. OMBUDSPERSON INSTITUTION, KOSOVO (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). OFFICE OF THE OMBUDSMAN, LATVIA. OFFICE OF THE EQUAL OPPORTUNITIES OMBUDSPERSON, LITHUANIA. CENTRE FOR EQUAL TREATMENT, LUXEMBOURG. NATIONAL COMMISSION FOR THE PROMOTION OF EQUALITY, MALTA. COMMISSION FOR THE RIGHTS OF PERSONS WITH DISABILITY, MALTA. COUNCIL ON PREVENTING AND ELIMINATING DISCRIMINATION AND ENSURING EQUALITY, MOLDOVA. THE PROTECTOR OF HUMAN RIGHTS AND FREEDOMS (OMBUDSMAN), MONTENEGRO. NETHERLANDS INSTITUTE FOR HUMAN RIGHTS, NETHERLANDS. COMMISSION FOR PREVENTION AND PROTECTION AGAINST DISCRIMINATION, NORTH MACEDONIA. EQUALITY AND ANTI-DISCRIMINATION OMBUD, NORWAY. 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. NATIONAL COUNCIL FOR COMBATING DISCRIMINATION, ROMANIA. COMMISSIONER FOR PROTECTION OF EQUALITY, SERBIA. NATIONAL CENTRE FOR HUMAN RIGHTS, SLOVAKIA. ADVOCATE OF THE PRINCIPLE OF EQUALITY, SLOVENIA. COUNCIL FOR THE ELIMINATION OF ETHNIC OR RACIAL DISCRIMINATION, SPAIN. INSTITUTE OF WOMEN, SPAIN. EQUALITY OMBUDSMAN, SWEDEN. EQUALITY AND HUMAN RIGHTS COMMISSION, UK (GREAT BRITAIN). EQUALITY COMMISSION FOR NORTHERN IRELAND, UK (NORTHERN IRELAND).