MINDSET SURVEY ANALYSIS
ON THE NEEDS OF EQUALITY
BODIES AND CIVIL SOCIETY
ORGANISATIONS
WITH A SPECIAL FOCUS ON ITALY, ROMANIA
AND SWEDEN
SURVEY ANALYSIS | APRIL 2021
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With the support of
MINDSET SURVEY ANALYSIS ON THE NEEDS OF EQUALITY BODIES AND CIVIL SOCIETY ORGANISATIONS

WITH A SPECIAL FOCUS ON ITALY, ROMANIA AND SWEDEN

This Survey Analysis is part of the project MINDSET co-financed by DG JUST through the REC Programme.

The concept has been developed due to the gap between EU legislation in the field of non-discrimination based on ethnic origin and the implementation on the ground at national level. Indeed, a lack of awareness of rights, bodies and redress mechanisms; unclear understanding of what discrimination really means and insufficient media coverage are a reality in our societies.

For this reason, Equality Bodies and Civil Society Organisations in Italy, Romania and Sweden were invited to complete Questionnaires with a focus on (1) Implementation, (2) Assistance to victims and (3) Capacity building. The aim of these Questionnaires is to help identify the needs of Equality Bodies and CSOs in these 3 countries and what tools they require to sufficiently provide both preventive and redress mechanisms to ethnic discrimination.

Particular focus was given to Romania, Italy and Sweden, allowing for an interesting geographical representation and the possibility to highlight differences in national implementation of non-discrimination law and mechanisms made available through Equality Bodies and CSOs.
The aim of these surveys was to identify the needs and priorities of the three equality bodies in the countries selected and of civil society organisations (CSOs) in these same countries. To ensure as high relevance as possible for the respondents, two separate surveys were prepared targeting the equality bodies on the one hand and the CSOs on the other. For the sake of comparability of the results, however, the surveys followed the same structure and most of the questions were closely linked if not identical.

The surveys were divided into three sections, focusing on (1) implementation, (2) assistance to victims and (3) capacity building.

The questions requested the respondents to either tick the response option(s) that they considered to be relevant in their country or to rank them by order of priority/relevance. There was a total of 26 and 27 questions in the surveys, respectively.

The platform Survey Monkey was used for the purpose of these surveys. The survey for CSOs was sent to 46 CSOs in Sweden and 16 CSOs in Romania. In addition, the survey for equality bodies was sent to the relevant equality bodies of the three countries and, due to a technical error, to the 54 CSOs that had been identified in Italy. Due to this error, the respondents from Italian CSOs (seven in total) filled out the survey targeting equality bodies rather than the survey targeting CSOs. Thankfully, the similarities of the two surveys have still allowed the extraction of some relevant results.
from the Italian CSO respondents. In total, 10 CSOs completed the full surveys (seven from Italy, two from Sweden and one from Romania). It is believed that the main reason for the low response rate was the language barrier (the survey being in English language only). A number of potential respondents from all three countries accessed the link of the survey but then failed to complete the survey.

The survey for equality bodies was completed by the Italian equality body, National Office against Racial Discrimination (UNAR) and by the Romanian equality body, National Council for Combating Discrimination (NCCD). The Swedish equality body, the Discrimination Ombudsman (DO), declined the invitation to complete the survey, mainly due to the fact that a new Ombudsman had recently been appointed as the head of the body which was therefore not in a position at the time to respond to some/all of the questions. The chief legal officer of the equality body, Mattias Falk, did however agree to discuss the questions in an interview, expressing himself in a personal capacity rather than representing the institution which employs him. The information below regarding the equality body in Sweden is therefore based on this interview.

**IMPLEMENTATION**

With regard to the improvement of the standing/position of civil society organisations in procedures dealing with racial or ethnic discrimination, the equality bodies in Italy and Romania as well as the representative of the Swedish equality body all agreed that the highest priority should be to provide legal standing to CSOs to bring legal claims before the courts on their own behalf and in the interest of the community they represent without an identified victim. Among CSO respondents across the three countries, there was a certain consensus that such legal standing should be prioritised, in addition to another measure, related to the “loser pays rule”2. In this regard, CSOs agreed that the application of this system should be adjusted, so that it only applies if a court concludes that the claimant had no reasonable ground for bringing the case.

When asked about the most needed legal measures to improve the application of the burden of proof provisions, CSOs as well as the Romanian equality body showed a preference for the provision of specific training for judges and civil servants dealing with cases of racial discrimination, while the Italian equality body and the representative of the Swedish equality body favoured the development of tutorials or other tools for victims and civil society organisations. The Swedish representative further underlined the importance of further guidance from the Court of Justice of the EU on important elements of EU anti-discrimination law such as the shift in the burden of proof.

With regard to the improvement of the remedies that are available and provided in practice, CSOs showed a preference for increasing the amounts of compensation awarded in practice is an important measure, it would also be crucial to diversify the types of sanctions available (in Sweden), to increase the dissuasiveness of the sanction system as a whole.

The question on the improvement of the enforcement of anti-discrimination law by the equality bodies showed some interesting differences between the countries. In Italy, several of the CSOs as well as the equality body itself agreed on the importance of ensuring/reinforcing the independence of the equality body. This is not surprising considering the status of the Italian equality body UNAR, which is formally an ‘office’ within the Department for Equal Opportunities of the Presidency of the Council of Ministers, with questionable levels of both formal and practical independence from the government. This measure was not highlighted in the other two countries, where CSOs instead showed a preference for different measures involving them (CSOs) in the work of the equality bodies, for instance in the planning processes of their work or in the oversight and evaluation of their activities. Unsurprisingly, the Romanian equality body as well as the representative both highlighted the need for increased financial resources and, in the case of the Romanian body, an extension of its mandate and powers. Finally, the Swedish representative reiterated the need to develop legal tools allowing sanctions against structural and/or systemic discrimination, which would in his view allow the Swedish equality body to improve greatly its enforcement work.

Some interesting tendencies can be noted among the responses to questions related to the improvement of the enforcement of anti-

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discrimination law by field-specific inspectorates/agencies and courts as well as the implementation by the government. In Italy, it appears that field-specific agencies are not perceived to be working actively with discrimination issues but should be encouraged to do so. In the other two countries, such agencies are generally perceived to be working with discrimination issues but CSOs in all three countries agree that the work of such agencies should be made more transparent, notably through the involvement of CSOs and/or the equality body in oversight and evaluation of their work etc. In relation to the enforcement by courts, there appears to be a consensus among CSOs and equality bodies across the three countries (with the exception of the representative of the Swedish equality body) that further training for judges should be prioritised, and that the equality body and/or CSOs should be directly involved in such training. With regard to the implementation of anti-discrimination law by the government, the responses were somewhat more varied, although CSOs showed a clear interest in measures such as the promotion of equality through public procurement and the provision of financial support to equality law clinics at universities. Overall, several CSOs as well as the Italian and Romanian equality bodies expressed a certain preference for the collection of ethnic statistics and the involvement of CSOs and/or the equality bodies in the adoption of ethnic categories for the purpose of such collection, whether in relation to the work of field-specific agencies, the courts or the government.

ASSISTANCE TO VICTIMS

With regard to possible measures to improve the equality body’s outreach to victims, most CSOs highlighted the importance of ensuring a local presence throughout the country and of holding regular consultations with minority NGOs. While the equality bodies themselves in Italy and Romania agreed with the CSOs regarding the importance of ensuring a local presence, the remaining responses of equality bodies were more varied. With regard to improving the assistance to victims by equality bodies, there was a certain consensus among most of the respondents regarding the need to allocate more resources for assistance services and to broaden the range of such services. When asked specifically about the additional powers they would need to improve their assistance to victims, each equality body identified a different main priority, although they were all related to legal standing. The highest priority for the Italian equality body would be the power to represent victims in judicial proceedings, and for the Romanian equality body it would be the power to intervene in judicial proceedings. The Swedish representative would prioritise the power to bring discrimination claims when there is no identified victim, to remedy what he identified throughout the interview as one of the most crucial gaps in the Swedish anti-discrimination legal framework. Indeed, it can be argued that Swedish law is not in compliance with the Directives as per the interpretation of the Court of Justice of the EU in the Feryn case, in the sense that there are no proceedings available for cases of alleged discrimination without an identified victim.

When asked about how they could improve the position of victims in legal proceedings, the equality bodies “all agreed that the power to launch own-initiative investigations, and representative actions, concerning systemic problems flagged by recurring complaints would be among the most important measures. While the CSOs agreed to a certain degree that these measures should be prioritised by the equality bodies, they also showed a certain preference for the provision by the equality bodies of financial resources for legal representation, as well as other measures.

CAPACITY BUILDING

The final section of the surveys focused on capacity building, and showed some clear trends. Firstly, when asked who needs capacity building in their respective countries, CSOs as well as equality bodies showed a slight preference for public agencies, with some respondents specifying that the police forces constitute a specifically relevant target group for such measures. Many respondents noted that capacity building would be needed for judges as well as civil society organisations as well, to a certain extent. Respondents overall showed a clear preference for in-person training rather than online courses, materials and tutorials.

With regard to the topics that should be addressed by such capacity building initiatives, a clear preference emerged, across all respondents, for trainings focusing on discrimination in a specific field such as employment, education or housing. Other topics of interest included specific concepts such as situation testing and intersectional discrimination. In this regard, the Swedish representative highlighted

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that capacity building for public agencies should focus on both elements of the existing legal framework, i.e., the prohibitions on the one hand and the applicable proactive duties on the other.

**CONCLUDING REMARKS**

Overall, it can be said that the priorities and needs of the national equality bodies in Italy, Romania and Sweden generally reflect and complement those of civil society organisations active in the field of combating discrimination in these same countries. Certain specificities can however be noted with regard to some issues or areas; either between countries or between CSOs on the one hand and equality bodies on the other. When analysing these specificities through the perspective of the different national contexts or the structural and fundamental differences between CSOs on the one hand and equality bodies on the other, they present an interesting representation of the current state of anti-discrimination law and policy in these three countries.

**Endnotes**

1. Non-governmental organisations as well as trade unions.
2. System of forcing the party that has lost a case to pay the opposing party's court fees.
4. The Italian and Romanian equality bodies as well as the representative of the Swedish equality body.
Welcome to our survey! Thank you for participating. Your feedback is greatly appreciated.

The questionnaire deals with three key issues: the implementation of anti-discrimination law, assistance to victims of racial or ethnic discrimination and the capacity needs of civil society organisations and equality bodies in the field of racial or ethnic discrimination.

Most questions should be answered by choosing one or several responses, and ranking them by order of preference/relevance. Please note that some questions and/or response options might not be relevant in your country. If a question is not relevant in your country, please answer “Question not applicable”.

The results of this survey will not be used for any political purposes. A brief analysis will be compiled on the basis of the collected results, comparing the results from different countries and those of the equality bodies with those of civil society organisations. That brief analysis will be published but will not identify those who have filled out this questionnaire or the organisations they represent in any way. Your responses will indeed be anonymised by the Survey Monkey application.

**SURVEY**

1. Name of the Equality Body:

**I. IMPLEMENTATION**

2. What (legal) measures would be most needed to improve the standing/position of civil society organisations in procedures dealing with racial or ethnic discrimination? Please rank by order of relevance/priority the responses that are valid in your country. (1 = highest priority)

Legislation should allow civil society organisations to bring legal claims on their own behalf and in the interest of the community they represent (without an identified victim). If so, please indicate below (under Question 3) whether such standing should be granted before the equality body, the courts, field-specific inspectorates/authorities/agencies, Ombudsman or similar institution, or some other body/institution.

Legislation should allow civil society organisation lawyers or legal staff to represent victims of racial or ethnic discrimination. If so, please indicate whether such standing should be granted in proceedings before the equality body, the courts, field-specific inspectorates/authorities/agencies, Ombudsman or similar institution, or some other body/institution.

Where a claimant (individual or organisation) loses their case, the system of forcing the losing party to pay the court fees of the winning party (the “loser pays rule”) should apply only if a court concludes that the claimant had no reasonable ground for bringing the case.

Other (please specify under Question 4)

Question not applicable
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3. Please specify here before which body-instance you consider that it would be most important for CSOs to be granted standing.

4. If you answered “Other” under Question 2, please specify briefly here:

5. What (legal) measures would be most needed to improve the application of the burden of proof provision? Please rank by order of relevance/priority the responses that are valid in your country. (1= highest priority)

Guidelines should be issued on the evidence that must be presented to establish facts from which it may be presumed that racial or ethnic discrimination has taken place.

Guidelines should be issued on the admissibility and adjudication of justification defences presented by defendants. Judges and civil servants dealing with cases of racial or ethnic discrimination should be trained on the reversal of the burden of proof.

Tutorials/checklists/helping tools should be developed for victims and civil society organisations, explaining the types of evidence required in cases of discrimination.

Other (please specify under Question 6)

Question not applicable

6. If you answered “Other” under Question 5, please specify briefly here:

7. What (legal) measures would be most needed to improve the remedies available and provided in practice against racial or ethnic discrimination? Please tick the four responses that you consider to be the most valid in your country.

☐ Remedies should include mandatory diversity audits.
☐ Remedies should include mandatory equality/anti-discrimination trainings.
☐ Remedies should include proactive duties to promote racial/ethnic equality.
☐ Remedies should include a duty to report back to the court concerning the measures taken to promote equality.
☐ Remedies should include injunctions to stop conduct amounting to racial or ethnic discrimination.
☐ The amounts of compensation awarded in practice for racial or ethnic discrimination should be increased.
☐ Available remedies should be imposed in practice.
☐ The law should allow and/or facilitate class actions in all areas and on all grounds.
☐ Other (please specify)
☐ Question not applicable.

8. How could the enforcement of anti-discrimination law by the equality body be improved? Please rank by order of relevance/priority the six responses that you consider to be the most valid in your country. (1= highest priority)

The body's work processes should be made more transparent and visible by making all decisions on complaints public.
The body's work processes should be made more transparent and visible by allowing and encouraging representatives of civil society organisations to participate in hearings/investigations as monitors.
The body should adopt publicly available priority criteria concerning its work with strategic litigation, advisory opinions filed in courts and/or own-initiative investigations, based on public discussions and consultations with NGOs and trade unions.

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Civil society organisations should be invited to participate in the equality body's planning processes concerning assistance to victims, surveys and reports.
Civil society organisations should participate in the oversight and evaluation of the equality body's activities.
Civil society organisations should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which complaints statistics are compiled.
The body's mandate/powers should be extended/revised.
The body's financial resources should be increased.
The body's human resources should be increased.
The body's independence from Government should be ensured/reinforced.
Other (please specify under Question 9)
Question not applicable

9. If you answered “Other” under Question 8, please specify briefly here:

10. How could the enforcement of anti-discrimination law by field-specific inspectorates/agencies (labour, education, etc.) be improved? Please tick the three responses that you consider to be the most valid in your country.

- [ ] Such inspectorates/agencies do not work actively on discrimination issues but should be encouraged to do so.
- [ ] Such inspectorates/agencies do work on discrimination issues but their work processes should be made more transparent.
- [ ] The Equality Body should be consulted on the criteria of case selection for the inspectorates'/agencies’ own-initiative investigations.
- [ ] The Equality Body should be invited to participate in the inspectorates'/agencies' planning processes concerning assistance to victims, surveys, reports, and recommendations relating to racial or ethnic discrimination.
- [ ] The Equality Body should participate in the oversight and evaluation of the inspectorates'/agencies’ activities relating to racial or ethnic discrimination.
- [ ] The Equality Body should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which the inspectorates'/agencies’ complaints statistics are compiled.
- [ ] Other (please specify)
- [ ] Question not applicable

11. How could the enforcement of anti-discrimination law by courts be improved? Please rank by order of relevance/priority the four responses that you consider to be the most valid in your country. (1= highest priority)

- [ ] Adjudication should be made more transparent and visible by making all decisions public.
- [ ] Adjudication should be made more transparent and visible by ensuring that decisions in discrimination cases are classified as such.
- [ ] Adjudication should be made more transparent and visible by ensuring that decisions in discrimination cases are categorised by ground of discrimination.
- [ ] Adjudication should be made more transparent and visible by other means.
- [ ] Civil society organisations should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which case statistics are/should be compiled.
- [ ] Civil society organisations should be invited to share experiences and/or lead the training in the continuing professional education for judges and their assistants.
- [ ] The Equality Body should be invited to share experiences and/or lead the training in the continuing professional education for judges and their assistants.
- [ ] Other (please specify under Question 13)
- [ ] Question not applicable

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12. If you answered “Other” under Question 11, please specify briefly here:

13. How could the implementation of anti-discrimination law by the government be improved? Please tick the four responses that you consider to be the most valid in your country.

☐ The equality body should be consulted on the adoption, implementation and oversight of policies, legislation and reports relating to racial or ethnic discrimination.
☐ Ethnic statistics should be collected so as to allow more effective investigation and monitoring of potential discrimination and social (in)equalities.
☐ The equality body should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which data on social (in)equalities relating to racial or ethnic origin are compiled.
☐ The government should increase funding for the equality body.
☐ The government should strengthen its public support for the equality body.
☐ The government should strengthen the independence of the equality body.
☐ The government should promote equality and counteract discrimination through public procurement.
☐ The government should provide financial support to law school equality law clinics at local universities.
☐ Other (please specify)
☐ Question not applicable

14. Please provide any examples of promising practices you might have on the implementation of the prohibition of discrimination based on racial or ethnic origin. (If so, please provide relevant references, including weblinks.)

II. ASSISTANCE TO VICTIMS

15. How can the equality body improve its outreach to victims? Please tick the three responses that you consider to be the most valid in your country.

☐ Open regional offices or appoint regional representatives
☐ Hold regular hearings outside the equality body’s headquarters
☐ Hold regular consultations with minority NGOs
☐ Provide on-line complaint forms
☐ Provide online video tutorials on how to gather evidence, file a complaint, etc.
☐ Develop dedicated reports/assessments/guidelines on specific issues of relevance in the national context.
☐ Other (please specify)
☐ Question not applicable

16. How can the assistance to victims by the equality body be improved? Please rank by order of priority/relevance the responses that are valid in your country. (1= highest priority)

Allocate more resources for assistance services.
Increase the number of staff dealing with complaints.
Broaden victim assistance services.
Other (please specify under Question 17)
Question not applicable

17. If you answered “Other” under Question 16, please specify briefly here:

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18. What additional powers does the equality body need to improve its assistance to victims of racial or ethnic discrimination? Please rank by order of relevance/priority the four responses that you consider to be the most valid in your country. (1= highest priority)

- Quasi-judicial decision making power.
- Power to launch own-initiative inquiries.
- Power to represent victims in judicial proceedings.
- Power to submit friend of court briefs.
- Power to intervene in judicial proceedings.
- Power to launch representative action on behalf of racial or ethnic minority groups.
- Power to bring discrimination claims when there is no identified victim.
- Power to follow-up and evaluate implementation of government policies on equality and anti-discrimination.

Other (please specify under Question 19)

Question not applicable

19. If you answered “Other” under Question 18, please specify briefly here:

20. How could the equality body help to improve the position of victims in legal proceedings? Please tick the three responses that you consider to be the most valid in your country.

- Provide financial resources for legal representation.
- Recommend list of equality-body certified lawyers.
- Provide expertise as victim's representative, friend of court, intervener, other.
- Launch own-initiative investigation into systemic problems flagged by recurring complaints.
- Launch representative action concerning systemic problems flagged by recurring complaints.
- Other (please specify)
- Question not applicable

21. How could the accessibility of assistance services be improved? Please tick the responses that are valid in your country.

- Linguistically.
- Physically.
- Emotionally and psychologically.
- Other (please specify)
- Question not applicable

II. CAPACITY BUILDING NEEDS ON RACIAL OR ETHNIC ORIGIN

22. Who needs capacity building in your country? Please rank by order of relevance/priority the responses that are valid in your country. (1= highest priority)

- Civil society organisations.
- Public agencies.
- Judges.
- Other (please specify under Question 23)
- Question not applicable

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23. If you answered “Other” under Question 22, please specify briefly here:

24. What form should capacity building take? Please tick the response that you consider to be the most valid in your country.

☐ On-line course, materials and tutorials
☐ In person training
☐ Other (please specify)
☐ Question not applicable

25. Which topics should be addressed? Please tick the three responses that you consider to be the most valid in your country.

☐ Situation testing.
☐ Intersectional discrimination.
☐ Discrimination in a specific field (employment, education, housing, health care, access to services, policing and immigration, other).
☐ Discrimination against a specific group.
☐ Alliance building among distinct racial or ethnic groups.
☐ Alliance building among discriminated groups.
☐ Other (please specify)
☐ Question not applicable

26. Please raise any outstanding issue relevant at the national level in your country that the questionnaire has not addressed.
Welcome to our survey! Thank you for participating. Your feedback is greatly appreciated.

The questionnaire deals with three key issues: the implementation of anti-discrimination law, assistance to victims of racial or ethnic discrimination and the capacity needs of civil society organisations and equality bodies in the field of racial or ethnic discrimination.

Most questions should be answered by choosing one or several responses, and ranking them by order of preference/relevance. Please note that some questions and/or response options might not be relevant in your country. If a question is not relevant in your country, please answer “Question not applicable”.

The results of this survey will not be used for any political purposes. A brief analysis will be compiled on the basis of the collected results, comparing the results from different countries and those of the equality bodies with those of civil society organisations. That brief analysis will be published but will not identify those who have filled out this questionnaire or the organisations they represent in any way. Your responses will indeed be anonymised by the Survey Monkey application.

SURVEY

1. If you agree to the name of your organisation being mentioned in the final analysis, please indicate it here:

2. In which country is your organisation based?
   - Italy
   - Romania
   - Sweden

I. IMPLEMENTATION

3. What (legal) measures would be most needed to improve the standing/position of civil society organisations in procedures dealing with racial or ethnic discrimination? Please rank by order of relevance/priority the responses that are valid in your country. (1= highest priority)

Legislation should allow civil society organisations to bring legal claims on their own behalf and in the interest of the community they represent (without an identified victim). If so, please indicate below (under Question 4) whether such standing should be granted before the equality body, the courts, field-specific inspectorates/authorities/agencies, Ombudsman or similar institution, or some other body/instance.

Legislation should allow civil society organisation lawyers or legal staff to represent victims of racial or ethnic discrimination in proceedings. If so, please indicate below (under Question 4) whether such standing should be granted before the equality body, the courts, field-specific inspectorates/authorities/agencies, Ombudsman or similar institution, or some other body/instance.

Where a claimant (individual or organisation) loses their case, the system of forcing the losing party to pay the court fees of the winning party (the “loser pays rule”) should apply only if a court concludes that the claimant had no reasonable ground for bringing the case.

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4. Please specify here before which body-instance you consider that it would be the most important for CSOs to be granted standing.

5. If you answered “Other” under question 3, please specify briefly here:

6. What [legal] measures would be most needed to improve the application of the burden of proof provision? Please rank by order of relevance/priority the responses that are valid in your country. (1= highest priority)

Guidelines should be issued on the evidence that must be presented to establish facts from which it may be presumed that racial or ethnic discrimination has taken place.

Guidelines should be issued on the admissibility and adjudication of justification defences presented by defendants.

Judges and civil servants dealing with cases of racial or ethnic discrimination should be trained on the reversal of the burden of proof.

Tutorials/checklists/helping tools should be developed for victims and civil society organisations, explaining the types of evidence required in cases of discrimination.

Other (please specify under Question 7)

Question not applicable

7. If you answered “Other” under Question 6, please specify briefly here:

8. What [legal] measures would be most needed to improve the remedies available and provided in practice against racial or ethnic discrimination? Please tick the four responses that you consider to be the most valid in your country.

- Remedies should include mandatory diversity audits.
- Remedies should include mandatory equality/anti-discrimination trainings.
- Remedies should include proactive duties to promote racial/ethnic equality.
- Remedies should include a duty to report back to the court concerning the measures taken to promote equality.
- Remedies should include injunctions to stop conduct amounting to racial or ethnic discrimination.
- The amounts of compensation awarded in practice for racial or ethnic discrimination should be increased.
- Available remedies should be imposed in practice.
- The law should allow and/or facilitate class actions (legal actions by associations, organisations and trade unions in the interest of more than one individual victim for claims arising from the same event) in all areas and on all grounds.
- Other (please specify):
- Question not applicable

9. How could the enforcement of anti-discrimination law by the equality body be improved? Please rank by order of relevance/priority the six responses that you consider to be the most valid in your country. (1= highest priority)

The body's work processes should be made more transparent by making all decisions on complaints public.

The body's work processes should be made more transparent by allowing and encouraging representatives of civil society organisations to participate in hearings/investigations as monitors.

The body should adopt publicly available priority criteria concerning its work with strategic litigation, advisory opinions filed in courts and/or own-initiative investigations.

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Civil society organisations should be invited to participate in the equality body’s planning processes concerning assistance to victims, surveys, reports, recommendations and potential criteria for strategic litigation.
Civil society organisations should participate in the oversight and evaluation of the equality body’s activities.
Civil society organisations should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which complaints statistics are compiled.
The body’s mandate/powers should be extended/revised.
The body’s independence from Government should be ensured/reinforced.
The body’s financial resources should be increased.
The body’s human resources should be increased.
Other (please specify under Question 10)
Question not applicable

10. If you answered “Other” under Question 9, please specify briefly here:

11. How could the enforcement of anti-discrimination law by field-specific inspectorates/agencies (labour, education, etc.) be improved? Please tick the three responses that you consider to be the most valid in your country.

☐ Such inspectorates/agencies do not work actively on discrimination issues but should be encouraged to do so.
☐ Such inspectorates/agencies do work on discrimination issues but their work processes should be made more transparent. If so, please indicate whether this could be best achieved by making all decisions public, allowing representatives of civil society organisations to participate in hearings as monitors, or other solutions.
☐ Civil society organisations should be consulted on the criteria of case selection for the inspectorates’/agencies’ own-initiative investigations.
☐ Civil society organisations should be invited to participate in the inspectorates’/agencies’ planning processes concerning assistance to victims, surveys, reports, and recommendations relating to racial or ethnic discrimination.
☐ Civil society organisations should participate in the oversight and evaluation of the inspectorates’/agencies’ activities relating to racial or ethnic discrimination.
☐ Civil society organisations should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which the inspectorates’/agencies’ complaints statistics are compiled.
☐ Other (please specify)
☐ Question not applicable

12. How could the enforcement of anti-discrimination law by courts be improved? Please rank by order of relevance/priority the four responses that you consider to be the most valid in your country. (1= highest priority)

Adjudication should be made more transparent and visible by making all decisions public.
Adjudication should be made more transparent and visible by ensuring that decisions in discrimination cases are classified as such.
Adjudication should be made more transparent and visible by ensuring that decisions in discrimination cases are categorised by ground of discrimination.
Adjudication should be made more transparent and visible by other means.
Civil society organisations should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which case statistics are/should be compiled.
Civil society organisations should be invited to share experiences and/or lead the training in the continuing professional education for judges and their assistants.
The Equality Body should be invited to share experiences and/or lead the training in the continuing professional education for judges and their assistants.
Other (please specify under Question 13)
13. If you answered “Other” under Question 12, please specify briefly here:

14. How could the implementation of anti-discrimination law by the government be improved? Please tick the four responses that you consider to be the most valid in your country.

- Civil society organisations should be consulted on the adoption, implementation and oversight of policies, strategies, legislation and reports relating to racial or ethnic discrimination.
- Ethnic statistics should be collected so as to allow more effective investigation and monitoring of potential discrimination and social (in)equalities.
- Civil society organisations should be consulted on the adoption (when necessary) of ethnic categories (for instance: Black, Jewish, Muslim, Roma, other ethnicity) on the basis of which data on social (in)equalities relating to racial or ethnic origin are compiled.
- Civil society organisations battling racial or ethnic discrimination should be brought together on a common platform for regular consultation.
- The government should promote equality and counteract discrimination through public procurement.
- The government should provide financial support to law school equality law clinics at local universities.
- Other (please specify)
- Question not applicable

15. Please share any examples of promising practices you might have on the implementation of the prohibition of discrimination based on racial or ethnic origin. (If so, please provide relevant references including weblinks.)

II. ASSISTANCE TO VICTIMS

16. How can the assistance to victims by civil society organisations be improved? Please tick the three responses that you consider to be the most valid in your country.

- Allocate more resources for assistance services.
- Funding provided for situation testing on discrimination.
- Increase the number of staff dealing with complaints of racial/ethnic discrimination.
- Extend the scope/range of available services provided.
- Recommended list of CSO-certified lawyers.
- Other (please specify)
- Question not applicable

17. How can the equality body improve its outreach to victims? Please tick the three responses that you consider to be the most valid in your country.

- Open regional offices or appoint regional representatives.
- Hold regular hearings outside the equality body’s headquarters, preferably in areas densely populated by racial or ethnic minority communities.
- Hold regular consultations with minority NGOs.
- Provide online complaint forms.
- Provide online video tutorials on how to gather evidence, file a complaint, etc.
- Develop dedicated reports/assessments/guidelines on specific issues of relevance in the national context.
- Other (please specify)
- Question not applicable

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18. How can the assistance to victims by the equality body be improved? Please rank by order of relevance/priority the responses that are valid in your country. (1= highest priority)

Allocate more resources for assistance services.
Increase the number of staff dealing with complaints.
Broaden victim assistance services.
Other (please specify under Question 19)
Question not applicable

19. If you answered “Other” under Question 18, please specify briefly here:

20. How could the equality body help to improve the position of victims in administrative and judicial proceedings? Please tick the three responses that you consider to be the most valid in your country.

☐ Provide financial resources for legal representation.
☐ Recommend list of equality-body certified lawyers.
☐ Provide expertise as victim's representative, friend of court, intervener, other.
☐ Launch own-initiative investigation into systemic problems flagged by recurring complaints.
☐ Launch representative action concerning systemic problems flagged by recurring complaints.
☐ Other (please specify)
☐ Question not applicable

21. If you answered “Other” under Question 19, please specify briefly here:

22. How could the accessibility of assistance services be improved? Please tick the responses that are valid in your country.

☐ Linguistically, please specify:
☐ Physically, please specify:
☐ Emotionally and psychologically, please specify
☐ Other (please specify)
☐ Question not applicable

III. CAPACITY BUILDING NEEDS ON RACIAL OR ETHNIC ORIGIN

23. Who needs capacity building in your country? Please rank by order of relevance/priority the responses that are valid in your country. (1= highest priority)

Civil society organisations
Public agencies
Judges
Other (please specify under Question 24)
Question not applicable

24. If you answered “Other” under Question 23, please specify briefly here:

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25. What form should it take? Please tick the response that is the most valid in your country.

☐ On-line course, materials and tutorials
☐ In person training
☐ Other (please specify)
☐ Question not applicable

26. Which topics should be addressed? Please tick the three responses that you consider to be the most valid in your country.

☐ Situation testing
☐ Intersectional discrimination
☐ Discrimination in a specific field (employment, education, housing, health care, access to services, policing and immigration, other), please specify:
☐ Discrimination against a specific group, please specify:
☐ Alliance building among distinct racial or ethnic groups
☐ Alliance building among discriminated groups
☐ Other (please specify)
☐ Question not applicable

27. Please raise any outstanding issue relevant at the national level in your country that the questionnaire has not addressed.
Moving the Ideas of Non-Discrimination: Supporting an Equality Transformation

This publication is part of the project MINDSET co-financed by DG JUST. The concept has been developed due to the gap between EU legislation in the field of non-discrimination based on ethnic origin and the implementation on the ground at national level. Indeed, a lack of awareness of rights, bodies and redress mechanisms; unclear understanding of what discrimination really means and insufficient media coverage are a reality in our societies. Particular focus will be given to Romania, Italy and Sweden, allowing for an interesting geographical representation and the possibility to highlight differences in national implementation of non-discrimination law.

THE OBJECTIVES

Media will play a vital role in raising awareness of these issues. Thanks to the complementarity of the consortium members, the objectives which will be reached throughout the project lifecycle are:

• Contribute to the clarification and understanding of the specific terminology related to the non-discrimination field and promote its accurate treatment by the media sector thanks to experts in that area;

• Raise awareness on non-discrimination legislation and its application at national level also by showing best practices of implementation of EU and national law;

• Promote the role and efforts of Equality Bodies in the three focused Member States (Italy, Romania and Sweden), enhance cooperation among them, as well as the involvement of civil societies in the fight against discrimination; and

• Provide easily accessible information for and train young people outside the legal sector.

THE CONSORTIUM

The consortium is composed of the EURACTIV Media Network, via its Brussels, Berlin and Paris offices; EURACTIV Romania; and les Jeunes Européens Fédéralistes. In addition, the Migration Policy Group will support the implementation of the project by providing legal expertise.

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