

# Twining Project

(HR 09 IB JH 01)

**Establishing a  
comprehensive system  
for anti-discrimination  
protection**

Final event, June 10<sup>th</sup>, 2013



## Guidelines on how to detect cases of discrimination

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Ludwig Boltzmann Institute  
Human Rights



REPUBLIC OF CROATIA  
Ombudsman



Government of the Republic of Croatia  
Office for Human Rights and  
the Rights of National Minorities

# Structure of presentation

- Obligation to report discrimination?
- Why is it important to report cases of discrimination?
- How to increase the number of reported cases of discrimination
- Guidelines for detecting cases of discrimination



# Obligation to report discrimination according to the Anti-discrimination Act

## Article 10

(1) The bodies and persons referred to in Article 8 of this Act shall report a reasonable suspicion of discrimination to the Ombudsman or a special ombudsman, with the consent of the person who is allegedly a victim of discrimination.

## Article 8

- all state bodies,
- all bodies of local and regional self-government units,
- all legal persons vested with public authority, and
- all legal and natural persons.



# Why report cases of discrimination?

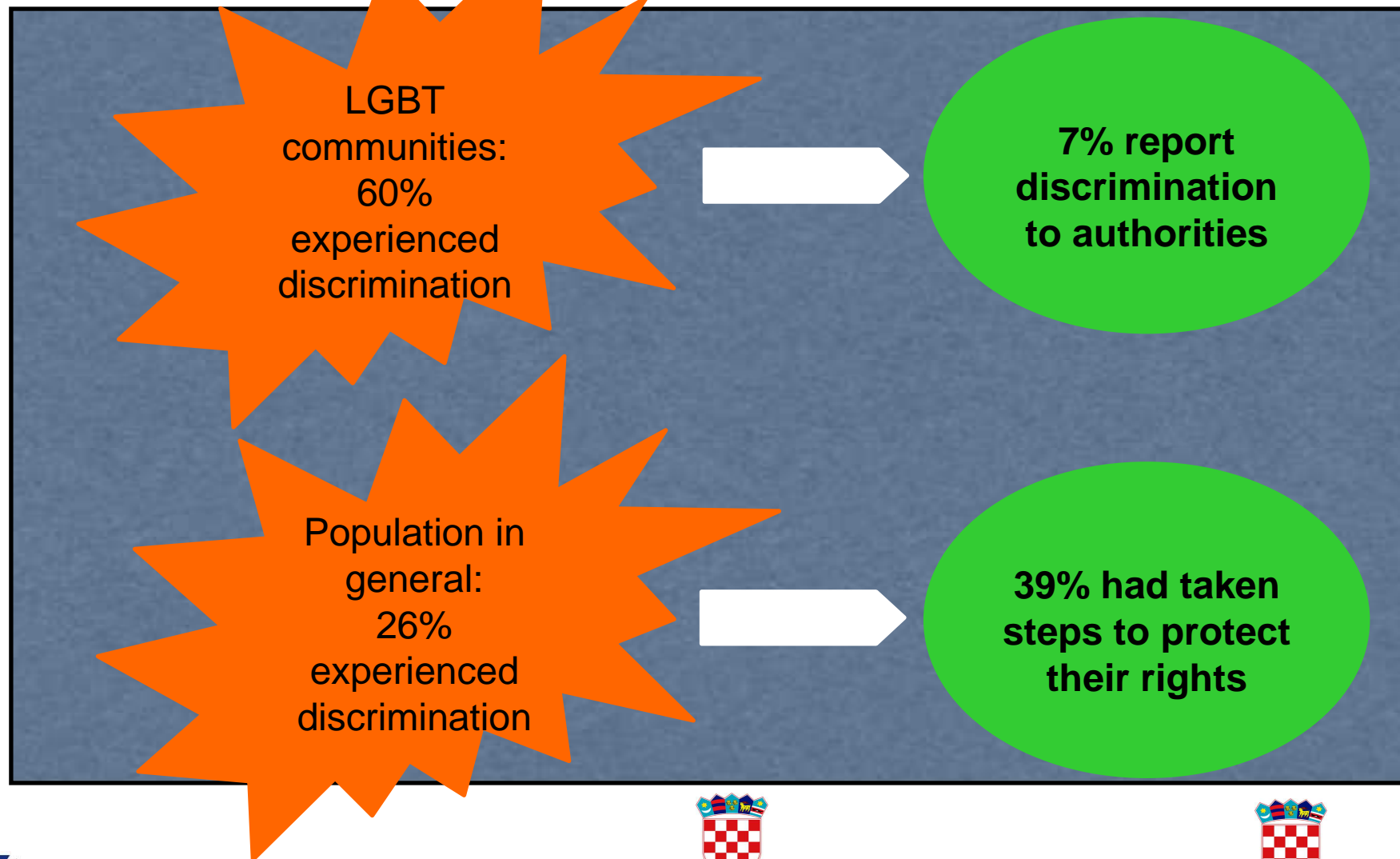
- Under-reporting: People who have experienced discrimination do not report on it ⇒ consequences
  - people get used to discrimination
  - specific groups are further marginalized
  - no awareness for discrimination
  - perpetrators continue their discriminatory practices
  - inequalities are perpetuated



# Evidence for under-reporting in the EU



# Evidence for under-reporting in Croatia



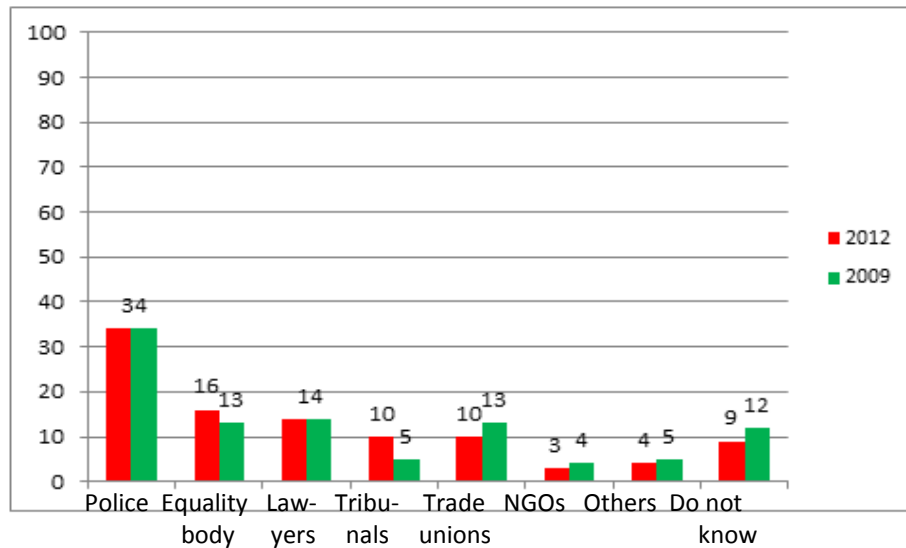
# Common reasons for not reporting cases of discrimination

- Nothing would happen or change
- Not worth reporting, it happens all the time
- Did not want to reveal my sexual orientation/gender identity
- Concerned that the incident would not be taken seriously
- Did not know how and where to report
- Concerned about negative consequences
- Fear of intimidation from perpetrators

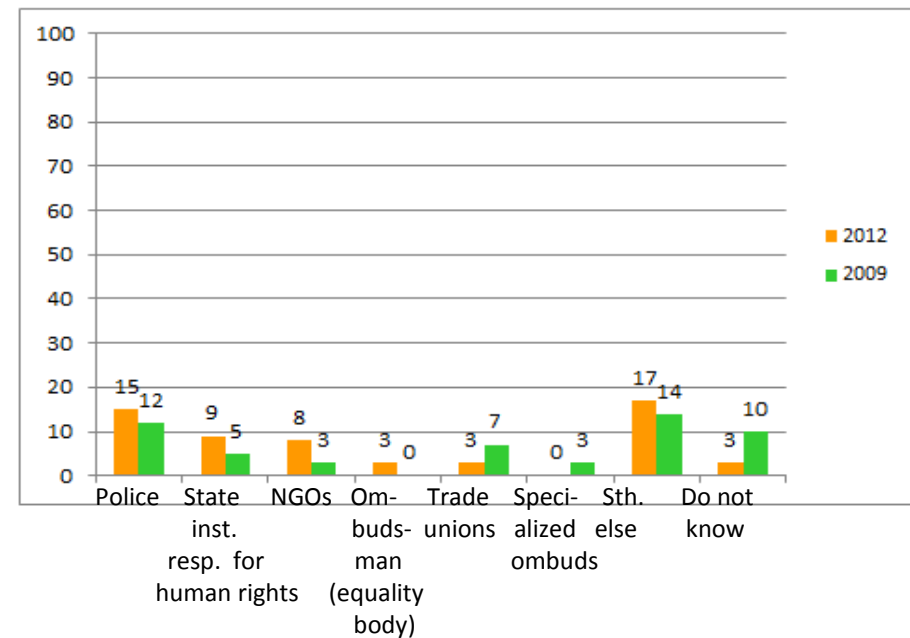


# Who do victims report cases of discrimination to?

EU-27 (per centages)



Croatia (per centages)





# How to increase the number of reported cases of discrimination?

## Reporting of cases of discrimination:

- ▶ Legal obligation
- ▶ Necessary for the fight against existing discrimination
  - Why report
  - Common reasons for not reporting

## How to increase the number of reported cases of discrimination?

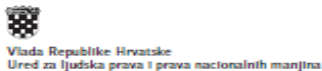
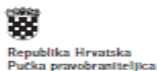


# Who, when, how and to whom to report to cases of discrimination

- 1) **Who** should report cases of discrimination?
  - 2) **When** to report – when is it a case of discrimination?
  - 3) **How** to report cases of discrimination?
  - 4) **To whom** to report cases of discrimination?
- Former promotional activities of the central body responsible for combating discrimination



# Publication 'Guidelines for detecting cases of discrimination'



Ludwig Boltzmann Institute  
Human Rights

SMJERNICE ZA PREPOZNAVANJE SLUČAJEVA DISKRIMINACIJE



REPUBLIC OF CROATIA  
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# 'Guidelines for detecting cases of discrimination'

## 1) Who?

- ▶ Staff of public authorities
- ▶ Chapter 'Role of public authorities'

## 2) When?

### DETECTING CASES OF DISCRIMINATION

- What is discrimination?
- Grounds of discrimination
- Forms of discrimination
- Victimization
- Application of the ADA



# 'Guidelines for detecting cases of discrimination'

- In order to really aid in detecting cases of discrimination the publication is rich with examples, as that enables a better insights into the meaning and occurrences of discrimination



Zaposlenik kaže svom šefu kako će otići na roditeljski dopust nakon što se rodi njegovo prvo dijete. Dva dana kasnije zaposleniku je uručen otkaz ugovora o radu. Nakon što zamoli svog šefa za objašnjenje šef mu kaže kako tvrtka nema dovoljno sredstava da bi si mogla priuštiti da muški zaposlenici idu na "porodiljni dopust".

## **Rasa / etničko podrijetlo / boja kože / nacionalno podrijetlo**

Ova osnova obuhvaća sve karakteristike koje doprinose tome da neku osobu vidimo kao „tuđinca“ ili „stranca“ kao što su njezino nacionalno ili etničko podrijetlo, boja kože, ime, materinji jezik ili naglasak, kultura i tradicija nacionalnost ili državljanstvo. Međutim, državljanstvo samo po sebi nije diskriminacijska osnova prema Zakonu o suzbijanju diskriminacije. Pod određenim okolnostima diskriminacija na osnovi državljanstva je dopuštena (vidjeti niže u iznimkama).

### **PRIMJERI DISKRIMINACIJE NA TEMELJU RASE/ETNIČKOG PODRIJETLA/BOJE KOŽE/NACIONALNOG PODRIJETLA:**

Poslodavac objavi natječaj za posao u kojem stoji: „Samo Hrvati!“

Državni službenik odbija dati informacije o načinu podnošenja zahtjeva za vozačku dozvolu građanki zbog njenog srpskog podrijetla.

Muškarac, podrijetlom iz Nigerije želi posjetiti noćni klub s prijateljima. Izbacivač dopusti njegovim prijateljima da uđu u klub, ali odbije Nigerijca zato što njegov šef ne želi „crnce“ u svom klubu.

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# 'Guidelines for detecting cases of discrimination'

## 3) How?

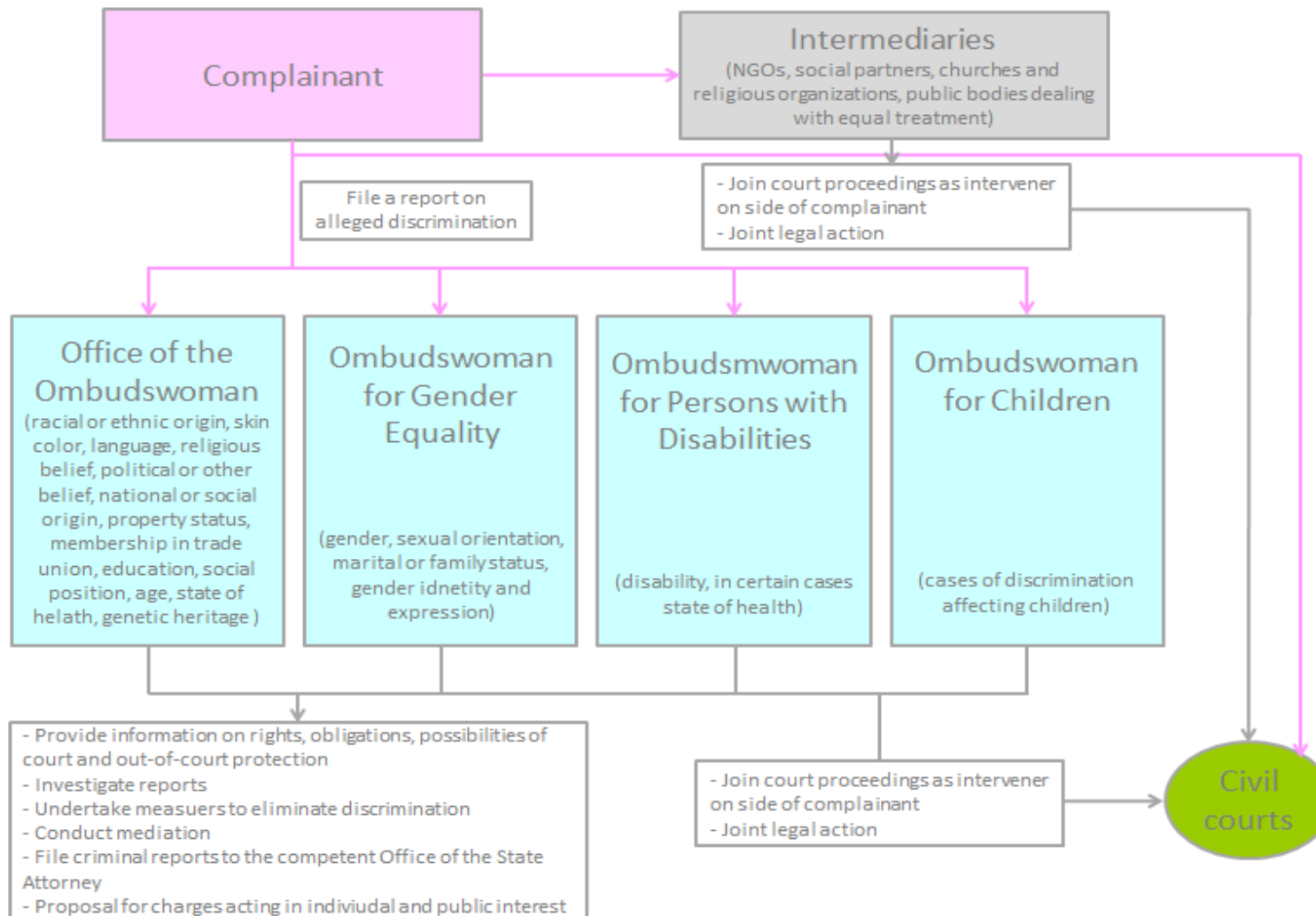
- pg. 45. 'How to report discrimination?'
- Data protection

## 4) To whom?

- Ombudswoman
- Specialized ombudswomen
- Court cases regarding discrimination
- Overview of the institutional setting



# 'Guidelines for detecting cases of discrimination' – overview of the institutional setting



# Sources

AUDEO, market research and public opinion polling (2012) DISCRIMINATION: A PUBLIC OPINION POLL , Commissioned by: UNDP - Resident Representative Office in Croatia

European Commission (2012) DISCRIMINATION IN THE EU IN 2012 - Summary, [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_393\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_sum_en.pdf)

Fundamental Rights Agency (2009) EU MIDIS: European Union Minorities and Discrimination Survey. Main Results Report, [http://fra.europa.eu/sites/default/files/fra\\_uploads/663-FRA-2011\\_EU\\_MIDIS\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/663-FRA-2011_EU_MIDIS_EN.pdf)

Fundamental Rights Agency (2013) EU LGBT survey: European Union lesbian, gay, bisexual and transgender survey - Results at a glance, [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf)

LGBT Survey data explorer, <http://fra.europa.eu/DVS/DVT/lgbt.php>

Zimmer, Wolfgang (2013) Guidelines for detecting cases of discrimination, Zagreb, drafted in the framework of the IPA Project „ Establishing a comprehensive system for anti-discrimination protection”, <http://bim.lbg.ac.at/en>



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