

# Handling of complaints on fundamental rights


1. Overview of complaints numbers
2. Awareness of rights and procedures
3. Linking victims with the correct procedures

## Scale of complaints on fundamental rights : a partial picture

- Non-discrimination
- Mainly equality bodies

	2009				2010									
	Discrimination on all grounds		Ethnic discrimination (including race)		Discrimination on all grounds					Ethnic discrimination (including race)				
	Number of complaints	Total number of complaints per 1,000,000	Number of complaints	Number of complaints per 1,000,000	Number of months reported on	Number of complaints during reporting period	Number of complaints adapted to 12 months (Total reported / months reported on x 12)	Number of complaints per 1,000,000 inhabitants	Change in number of complaints 2009 to 2010	Number of complaints during reporting period	Number of complaints adapted to 12 months (Total reported / months reported on x 12)	Number of complaints per 1,000,000 inhabitants	Change in number of complaints 2009 to 2010	
<u>Austria</u>			482	57	7					347	595	71	+113	National: The three Ombuds for Equal Treatment combined
			257	31	8					165	248	29	-10	Regional: Seven regional discrimination offices
			739	88	8					512	768	91	+29	Total: National and regional above combined
<u>Belgium</u>	1564	145	827	77	12	1343	1343	123	-221	627	627	58	-200	Centre for Equal Opportunities and Opposition to Racism (CEOR). Note that gender discrimination is not included. Data relates to opened files (dossiers comp�tents) only, not to all received enquiries (signalements).
<u>Bulgaria</u>	1,039	137	20	3	9					10	13	2	-7	Commission for Protection against Discrimination (CPD). Data on ethnic discrimination related to decisions only, not all complaints.
<u>Cyprus</u>	168	210	116	145	9	145	193	242	+25					Anti-Discrimination Authority and Equality Authority combined
<u>Czech Republic</u>			3	0	9					24	32	3	+29	Public Defender of Rights. Broadened mandate in September 2009
<u>Denmark</u>			200	36	11	210	229	42						Board of Equal Treatment
<u>Estonia</u>	50	38	2	2	12	47	47	36	-3	2	2	2	0	Gender Equality and Equal Treatment Commissioner
<u>Finland</u>	411	78	318	60	12	364	364	69	-47					Ombudsman for Equality and Office of the Ombudsman for Minorities combined - note that the data for all grounds only covers gender discrimination; data includes complaints as well as requests for advice; decrease could be partly due to new Q&A online
<u>France</u>	10,545	163	3,009	47	8	8239	12,359	191	+1814	2,269	3,404	53	+395	High Commission against Discrimination and for Equality (Halde)
<u>Germany</u>	10,777	132	639	8										Federal anti-discrimination agency. Data combined from August 2006 through July 2010. Data relates to contacts, not complaints or requests
<u>Greece</u>	54	5	14	1										The Greek Ombudsman
<u>Hungary</u>			60	5	9					112	149	15	+104	Equal Treatment Authority (ETA)
<u>Ireland</u>			79	18	9					29	39	9	-40	Irish Equality Authority. Data includes race and Traveller grounds.
<u>Italy</u>			382	6	7					413	708	12	+326	National Office Against Racial Discrimination (UNAR)
<u>Latvia</u>	101	46	14	6	12	78	78	55	-23	9	9	4	-5	Ombudsman's Office
<u>Lithuania</u>			12	3	9					15	20	6	+11	The Office of the Equal Opportunities Ombudsperson (OEEO)
<u>Luxembourg</u>					12	90	90	180		12	12	24	+12	Centre for Equal Treatment. Data for August 2009 - August 2010.



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<u>Malta</u>	35	88	5	13	12	17	17	43	-18	3	3	8	-2	Maltese National Commission for the Promotion of Equality
<u>Netherlands</u>			66	4										Equal Treatment Commission
<u>Poland</u>			24	1	7					13	22	1	-2	Human Rights Defender
<u>Portugal</u>			77	7	11.5					73	76	7	-1	Commission for Equality and Against Racial Discrimination
<u>Romania</u>					18					58	39	2	+39	National Council for Combating Discrimination. Data for 18 months, 2009 and thru June 2010. Data affected by de facto paralysis of activities during several months in 2009 and 2010.
<u>Slovakia</u>			0	0	8	12					18	3	+13	Slovak National Center for Human Rights
<u>Slovenia</u>			10	5	10					3	4	2	-6	Advocate of the Principle of Equality
<u>Spain</u>										235	235	5		<u>Council for the Promotion of Equal Treatment and Non-Discrimination on the Grounds of Racial or Ethnic Origin</u> . Commenced activities in 2010.
<u>Sweden</u>	253 7	270	766	81	12	2614	2614	278	77	761	761	81	-5	Equality Ombudsman (DO). Commenced activities in 2009.
<u>United Kingdom</u>			23	0	8					14	21	0	-2	Equality and Human Rights Commission (Great Britain)
			4,983	83										Employment Tribunal. Data for 2008/09.

## Overall awareness-levels: 80-60-25

- Variation between Member States may be connected to levels of awareness and confidence in equality bodies.
- Complaints figures 'should' be higher: 82% non-reporting rate.

## Sources of difficulty for those that do report

- Multiple bodies:
  - Per ground of discrimination
  - Data protection
  - Torture/mistreatment in detention
  - Children
  - Disabilities
  - Older persons
  - Healthcare
  - Ombudspersons for Maladministration
  - Regional bodies
- Overlapping mandates
- Gaps in human rights protection

- Access to Justice (social study)
  - Based on interviews with equality bodies, ‘intermediaries’ and victims
  - Referral practices of equality bodies and intermediaries (among other issues)

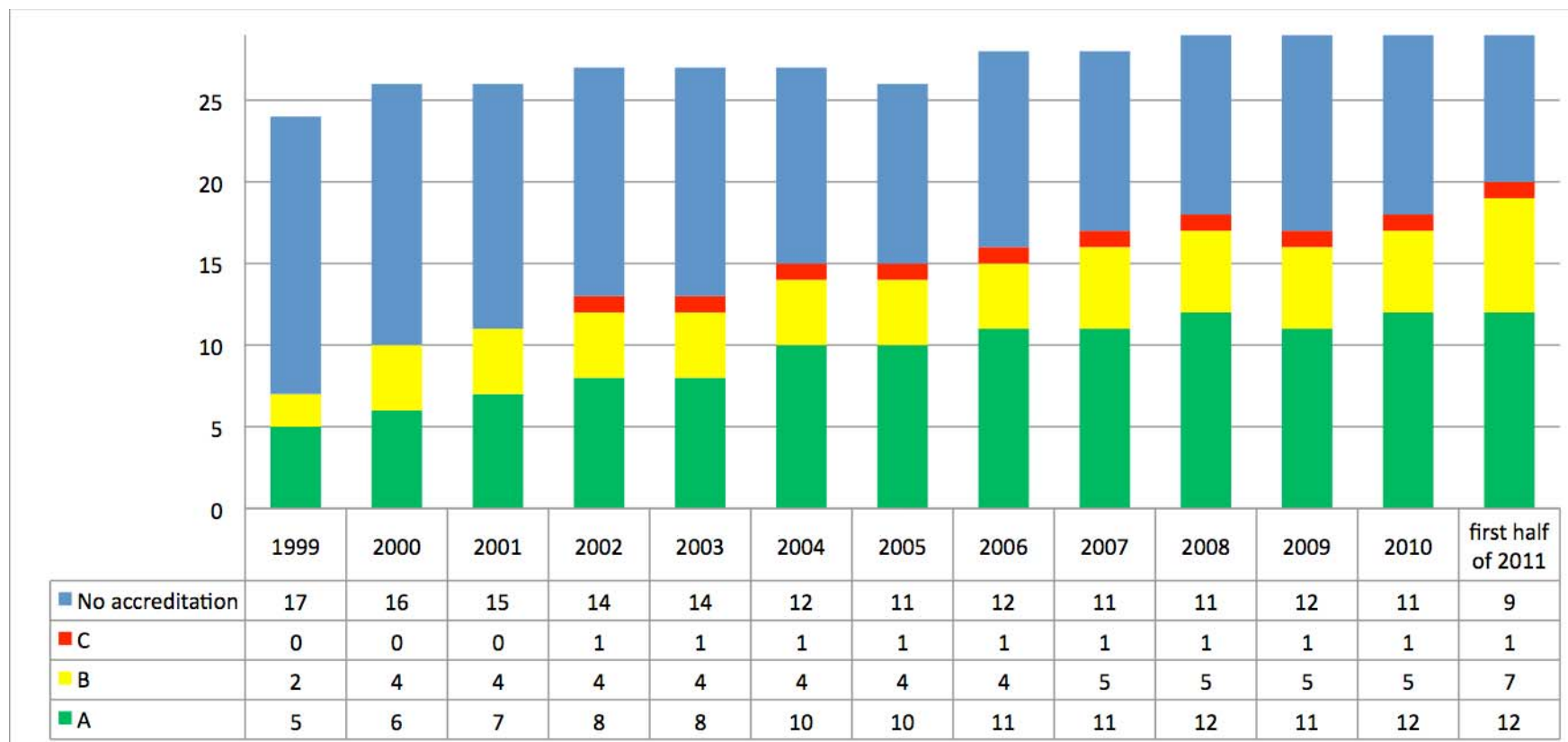
## Ways forward?

- National Human Rights Institutions (NHRIs)
- Umbrella organisations
- Solidarity approach
- Single point of entry interface

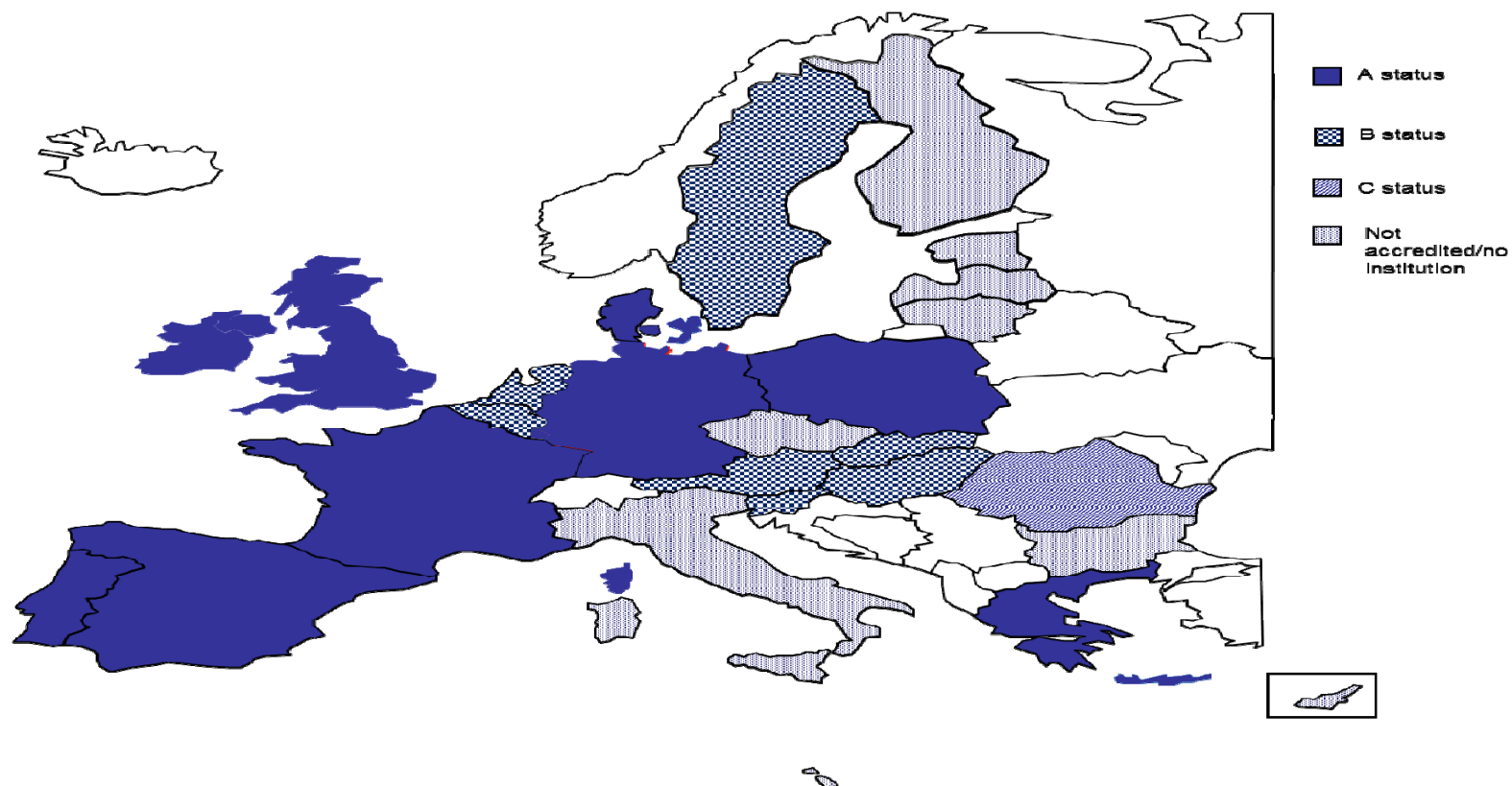
## NHRIs

- Member States with NHRIs tend to have fewer specialised bodies - consolidation into a single body with a wider mandate.
- Broad mandate, including *promote* and *protect*;
- Factual and legal independence;
- Adequate resources; and
- Adequate powers of investigation including the power, capacity and staff to submit recommendations on any matter concerning Human Rights and proposals in relation to legislative and administrative measures

## Number of accredited NHRIs in the EU and number of EU MSs without any accredited institution: developments in the period 1999 - first half of 2011



# NHRIs in EU Member States by accreditation status



## Risks/advantages

- Victim less likely to knock on wrong door.
- Powers of NHRIs (should) include pro-active approach - prevent violations occurring in the long-run.
- BUT, merging several bodies could result in lower overall resources and therefore reduced capacity.

## Umbrella organisations

- Retain existing specialist bodies, but under one umbrella with responsibility to coordinate.
- E.g. proposed Finnish Human Rights Centre, formally under the Parliamentary Ombudsman, but with a coordinating function.
- Single front door - but merely retaining existing bodies might not necessarily fill gaps between mandates.

## Solidarity approach

- Receiving body handles complaint where straightforward/within competence of staff.
- More demanding cases are directly routed by the organisation.
- Individual doesn't have to worry about approaching the right body.
- But, more of a burden for bodies themselves.

## Single point of entry interface

- Development of internet based tools to guide individual through options based on facts (CLARITY).
- Option of processing and delivering complaint to correct body once all stages have been followed.
- Takes burden off individual of finding right body.
- But, may be reliant on ‘intermediaries’ to use.

Thank you for your attention.



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