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Civil Society Dialogue Programme
Unlock the Treasures Project

RECOMMENDATIONS

on the Achievement
of Understanding and
Respect for Human Rights
at the Local Level



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Based on Bulgaria's experience and its position of a new EU Member State, some recommendations can be made for the policies of the local authorities in the Republic of Turkey. These recommendations would be useful for Turkey in meeting the political criteria for EU membership in relation to the respect for human rights, equal opportunities, and non-discrimination.

The respect for human rights, non-discrimination and equal opportunities are amongst the fundamental principles at the core of the founding treaties and the primary legislation of the European Union, and are further developed in the secondary legislation. The adoption of the antidiscrimination legislation meets the need for a clear definition of the concepts and regulation of the terms and the procedure for protection against discrimination.

The text below contains recommendations in five areas at the local level – antidiscrimination legislation, a specialized antidiscrimination body, awareness-raising among the public, education, police, and local authorities. They could be helpful to the public authorities and the citizens in a specific settlement and thus contribute to making their life better and calmer.

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MAIN RECOMMENDATIONS REGARDING THE ADOPTION OF ANTIDISCRIMINATION LEGISLATION

- Involving representatives of various stakeholders in the drafting of the law and the discussions on it – the participation of representatives of non-governmental organizations, the academia, and the law enforcement authorities is strongly recommended;
- A broader transposition of Directive 2000/43 and Directive 2000/78, i.e. protection against discrimination should cover all areas of public life, not only the ones listed in the Directives;
- A longer list of attributes protected by law on the basis of which discrimination is prohibited – including attributes that are not explicitly mentioned in Directives 2000/43 and 2000/78 on the list;
- A non-comprehensive list of protected attributes – including other attributes set out in an international legal instrument to which the state is a party;
- Protection should not be limited only to natural persons, it should also cover legal entities or associations of natural persons;
- Establishing a specialized and independent antidiscrimination body with a mandate, minimum requirements in terms of its composition, competences and operation laid down in the law;
- Providing for alternative antidiscrimination procedures – equivalent alternative procedures before the court or the specialized anti-discrimination body;
- Introducing definitions of the various types of discrimination, including harassment, sexual harassment, incitement to discrimination, and persecution;
- Accessibility of the antidiscrimination procedures – exemption from fees, charges, and other procedure-related costs not only upon initiating the procedure but also after its termination;
- The possibility for non-governmental organizations and trade unions to initiate and conduct the antidiscrimination procedures till the completion thereof in the interest not only of the relevant victim but also in cases when identifying a specific victim is not possible; proving a legal interest for the non-governmental organization/trade union in similar procedures should not be required;
- Providing for protection in cases of connected persons – discrimination by association when the person concerned is connected to another one in respect of whom an attribute protected by law exists, existed or is presumed to exist;



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- Promotion measures – an obligation for the public authorities to take promotion measures for ensuring that vulnerable groups have equal opportunities, and the possibility for businesses and the private sector to choose them as an option;
- Efficient, proportional, and dissuasive sanctions/compensations;
- It is strongly recommended that legal requirements be introduced for appropriate campaigns aimed at raising the awareness of the public on equality issues, including by posting the text of the law in a visible and accessible place in undertakings, state establishments, schools and other educational institutions.



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RECOMMENDATIONS ON THE ESTABLISHMENT OF AN ANTIDISCRIMINATION BODY

The purpose of antidiscrimination legislation is changing the society by ensuring that all individuals enjoy equality before the law, equality in treatment and equal opportunities for participation in public life, as well as efficient protection against discrimination. Achieving these objectives of the law will remain wishful thinking unless a specialized and independent body is set up. The bodies in the area of equality existing across Europe can be classified into two types depending on the competences assigned to them:

- Bodies with promotion functions – offer information and advice; provide legal assistance to victims in relation to taking legal action; carry out studies, research, and publish reports; issue recommendations; conduct awareness-raising campaigns;
- Bodies functioning as a tribunal – in addition to promotional functions, they receive, examine and determine complaints filed by victims of discrimination by issuing legally binding decisions, and imposing sanctions for discrimination perpetrated (by way of exception, some of them adjudicate compensation for damages incurred as a result of discrimination).



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RECOMMENDATIONS ON RAISING THE AWARENESS OF THE PUBLIC ON DISCRIMINATION ISSUES

Citizens should be familiar with their rights and obligations set forth by means of a special antidiscrimination law in order to effectively benefit from them and avoid violations. Improved awareness will foster a better capacity to recognize acts of discrimination within the society, and will ensure that a higher number of discrimination cases reach the specialized body for the purpose of determination; imposing sanctions for specific manifestations of discrimination will inevitably produce a deterring and preventive effect.

- Organizing specialized regular seminars for media representatives, journalists – raising awareness on the role played by the media for promoting tolerance among the public, and preventing discriminatory media content;
- Organizing general-profile awareness-raising seminars in cooperation with the local authorities for civil servants responsible for various sectors, and representatives of non-governmental organizations – it is strongly recommended that all the regions across the country be covered;
- Organizing specialised regular training seminars for practicing lawyers with the aim to improve their understanding of the concepts and the special procedural rules, provide information about the case law of the Court of Justice of the EU in interpreting the European antidiscrimination legislation, and the case law of the European Court for Human Rights;
- Organizing specialized regular training seminars for police officers so that in the event of a violation the police would be the first authority to be approached by citizens; hence police officers should be well familiar with the antidiscrimination legislation in order to be able to refer the victims to the proper bodies and procedures;
- Organizing and conducting information campaigns via the social networks and the media;
- Printing and disseminating information brochures and materials in various languages, including the languages of the linguistic/ethnic minorities;
- Organizing public events on the occasion of relevant international days with media coverage;
- Designating within each local administration contact points for keeping in touch with the relevant body, and trainings for these contact points;
- Ensuring public resources for funding projects of non-governmental organizations aimed at raising awareness;



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- Funding projects of non-governmental organizations aimed at providing independent support to victims of discrimination – a specific outsourcing in order to avoid doubts as to the impartiality of the body which, by way principle, has to offer support with lodging complaints related to discrimination.



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RECOMMENDATIONS IN THE AREA OF EDUCATION

After the end of the World War II the right to education was recognized by international law as one of the fundamental human rights. In 1948 the UN General Assembly adopted the Universal Declaration of Human Rights, one them being the right to education. It is important to note that the school is not only an institution of knowledge but also an important factor for developing ethical values, qualities such as tolerance, respect for the other one's personality, readiness to render help and support when needed, prevention of any forms of discrimination. In addition, the philosophy according to which it is only the state that takes care of education should not be accepted. The issues in this sector have long ago broken out of the national framework – today many people feel citizens of the world, they study in a state, then continue their education in another one, develop their career in a third, fourth state. The state strategies and programs for school education often do not take into account schoolchildren's specific needs and thus hinder the equal access to high-quality education for whole groups of children, such as children with disabilities or those whose mother tongue differs from the official language in the relevant state. There are still governments which underestimate antidiscrimination in education and thus allow the segregation of minority children. The basic principles that education should conform to are availability, accessibility, appropriateness and adaptability for everyone. Due to the international standards established in the area of education it is possible to detect cases when the governments deviate from them; furthermore, the citizens of each state are able to demand and insist that the government should ensure the application of these standards.

In this respect the following recommendations can be made for prevention against discrimination in the area of education:

- Conducting research on the access to education based on a variety of attributes, in cooperation with non-governmental organizations. This could be research and getting statistical data on the situation of children from minority groups in the school system or children with special needs;
- Gathering the information needed to identify the issues in the school environment in order to implement policies for solving them, and develop, at the national and regional levels in cooperation with representatives of the minority groups, policies for encouraging the enrolment and attendance rate and the equal participation of schoolchildren from various groups;
- An accessible pre-schooling network for minorities – preparatory classes for pupils from minority groups for the purpose of learning the language of teaching at school only when this is justified by objective and reasonable criteria and the child's best interests are taken into consideration;
- Introducing policies aimed at avoiding the enrolment/placement of children from minority groups or children with special needs in separate class groups; encouraging more diversity in schools should be supported by means of awareness-raising measures;



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- Monitoring racist incidents in schools, gathering data about such phenomena with a view to designing long-term counteraction policies;
- Educational measures for fighting against racism or discrimination incidents in schools, for example informal educational activities within organizations working with victims of racism and racial discrimination;
- It is recommended that schools should adopt codes of ethics against racism and racial discrimination, as well as organizing special anti-racism days or weeks, campaigns or competitions with a view to raising the awareness of students and their parents about racism and racial discrimination and the school policies put in place in this respect;
- Introducing human rights training as an inseparable part of the school curriculum at all levels and in all subject matters;
- Eliminating from textbooks any racist materials, and materials encouraging stereotypes, intolerance or prejudices against any minority group, while ensuring that the diversity of the society is reflected by including the contribution of minority groups to the society as part of the content.



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RECOMMENDATIONS REGARDING POLICE SERVICES AND THEIR ACTIVITY

The protection of public order, counteracting criminality, the support for and protection of human rights are an important part of the everyday activity of the police. On the other hand, the observance of human rights in the exercise of the police profession is an inherent feature of democratic societies and a safeguard against police arbitrariness. There are a number of international standards adopted concerning the activity of police services in relation to preventing discrimination in the delivery of their official duties. Of particular relevance are the recommendations of the European Committee against Racism and Intolerance (ECRI), the Committee on the Elimination of Racial Discrimination (CERD), and the Council of Europe.

- Efficient safeguards against racist acts perpetrated by police officers should be introduced – in view of this “racial profiling” has to be defined and banned by law;
- Ensuring that the antidiscrimination legislation prohibiting direct and indirect discrimination also covers the activity of the police;
- Developing mechanisms for providing support and consultations to victims of racial discrimination or racially motivated behaviour of the police, and ensure that such cases are efficiently investigated and the perpetrators are adequately punished;
- Developing accessible mechanisms for providing assistance to victims of racial discrimination and racist acts in cases when the acts were perpetrated by persons other than police officers – the police should encourage and consult the victims by referring them to the most appropriate structure for their specific situation, such as a free helpline operating 24/7 and offering legal advice and/or psychological support in various languages;
- Developing and implementing a mechanism for checking the quality of police activity related to cases of racial discrimination and racially motivated behaviour;
- Introducing a requirement for racist incidents and hate motivated crimes to be thoroughly investigated;
- Setting up a system of reporting and monitoring of racist and other hate incidents, as well as the rate at which the prosecutor’s office initiates procedures for such incidents and qualifies them as hate crimes as a result of the prosecution;
- Ensuring that police officers behave in a professional and impartial manner when dealing with offences that are not racially motivated but involve victims, perpetrators and witnesses who are members of minority groups;



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- Ensuring that the police does not disclose to the public at large information regarding the race, skin colour, religion, nationality or national or ethnic background of the presumed offender – disclosing such information should be made possible only where it is strictly necessary and serves a legitimate purpose, for example in relation to an announcement about a wanted person;
- It is recommended that in preparing statistical data one should avoid disseminating prejudices and stereotypes linking criminality to the ethnic background or linking the presence of the increased number of immigrants to the rising criminality;
- The police should ensure that the information disclosed is objective and presented in a way which is respectful to the heterogeneous society and conducive to promoting equality;
- Training of police officers on how to work in a multicultural environment;
- Encouraging the involvement of members of minority communities in the police and other law enforcement bodies by providing them with equal opportunities for career development.



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RECOMMENDATIONS REGARDING LOCAL AUTHORITIES

The territory of each state is divided into administrative units which are governed, in addition to the central government, by local authorities. The idea behind local governance reflects the need and the wish that citizens make decisions on their own affairs and thus take part, together with the central authorities, in delivering on the national tasks with local relevance. Local governance is a basic structure in the system of social arrangements in any state based on democratic rule. The activity of local authorities should have a focus on guaranteeing non-discrimination by ensuring that the interests of all social groups represented on their territory are taken into account, and by implementing and improving mechanisms for the prevention of discriminatory practices. Given their competences and public policies, they play a leading role in creating a social environment free of manifestations of discrimination and intolerance. The following are some recommendations for local authorities:

- The principle of equality and non-discrimination should be mainstreamed in all policies, measures, regulatory and administrative acts that are general and relevant to the local community as a whole;
- Developing and applying equality and non-discrimination strategies and plans, and incorporating them as priorities in the local development strategies and plans. In terms of the minimum content, these strategies should include: political representation and participation of vulnerable groups in decision-making processes, access to housing and social benefits, access to goods and services, access to high-quality education, building an accessible architectural environment, and eliminating the existing barriers to people with disabilities in settlements, mass media and inter-cultural communication.
- The strategies and plans should be developed in cooperation with other responsible institutions and with the broad involvement of various vulnerable groups in order to adequately take into consideration their needs;
- Financing sources should be identified and financial provision for the measures in the strategies and plans should be ensured. Furthermore, mechanisms should be put in place for monitoring, impact assessment, accountability to the public, and communicating these measures to local communities in an accessible and comprehensible manner;
- The local authorities should encourage media coverage and reporting on equality and non-discrimination matters;
- A dialogue with private companies and establishing public-private partnerships may prove helpful in delivering the measures aimed at improved access to employment for vulnerable groups;



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- Gathering and analysing anonymous data based on various attributes in order to identify potential inequalities in various areas – education, access to employment, access to goods and services, etc., with a view to develop and apply adequate policies aimed at equalizing the opportunities of the groups concerned;
- Marking various international days (dedicated to people with disabilities, the fight against discrimination, tolerance, etc.), and ethnic and/or religious holidays of the communities making up the population of the relevant settlement;
- The local authorities should conduct a policy of promoting the balanced participation of women and men, and the representative participation of persons belonging to ethnic, religious and linguistic minorities in governance and decision-making (participation in conformity with the affairs of the relevant group within the population of the municipality, city/town or village);
- In setting up councils/boards, expert working groups, managing, advisory and other bodies, the local authorities should ensure the balanced participation of women and men, and the representative participation of persons belonging to ethnic, religious and linguistic minorities in governance and decision-making.



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