

ANTI-DISCRIMINATION

A COMMON CHALLENGE AND RESPONSIBILITY

PRESENTATION FOR ELSA STUDENTS (KHARKIV)

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THREAT TO EQUAL DIGNITY & RIGHTS

DISCRIMINATION
CONTRADICTS
FUNDAMENTAL HUMAN
RIGHTS PRINCIPLE OF
EQUALITY

ALL PEOPLE ARE BORN
EQUAL IN DIGNITY &
RIGHTS

UDHR ART. 2, CRC ART. 2,
ECHR ART. 14 & ART. 1
PROTOCOL NO. 12

TO DISCRIMINATE
AGAINST SOMEONE
IS TO EXCLUDE
PERSON FROM FULL
ENJOYMENT OF
POLITICAL, CIVIC,
ECONOMIC, SOCIAL
OR CULTURAL
RIGHTS & FREEDOMS

MOST STATES HAVE
CONSTITUTIONAL
PROVISIONS , LAWS &
INSTITUTIONS AGAINST
DISCRIMINATION

NOT EVERY DIFFERENT TREATMENT IS PROHIBITED

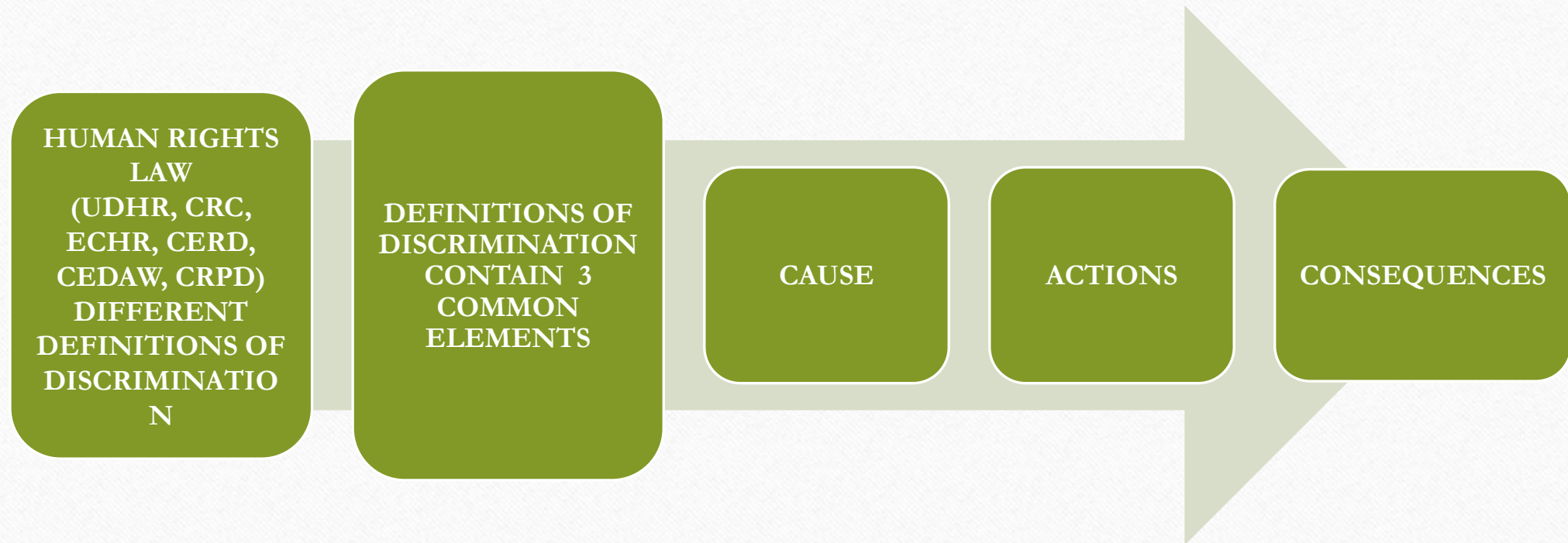
DISCRIMINATION =
ARBITRARY &
UNLAWFUL
DIFFERENCES IN
TREATMENT.
ARBITRARY, UNJUST
OR ILLEGITIMATE
DISTINCTIONS

**“POSITIVE
DISCRIMINATION” IS
A CONTRADICTION
IN TERMS. EITHER
DISTINCTION IS
JUSTIFIED &
LEGITIMATE,
BECAUSE NOT
ARBITRARY OR
UNJUSTIFIED &
ILLEGITIMATE
BECAUSE ARBITRARY**

**“DISTINCTION” =
NEUTRAL TERM,
DOES NOT
DETERMINE
WHETHER A
DIFFERENTIAL
TREATMENT IS
JUSTIFIED OR NOT**

DIFFERENTIATION
= A DIFFERENCE IN
TREATMENT, WHICH
HAS BEEN DEEMED
TO BE LAWFUL

COMMON ELEMENTS OF DISCRIMINATION



CAUSES

**DISCRIMINATION IS CAUSED BY
VARIOUS FACTORS**

**AGE, RACE, COLOUR, SEX,
LANGUAGE, RELIGION, POLITICAL
OR OTHER OPINION, NATIONAL,
ETHNIC OR SOCIAL ORIGIN,
PROPERTY, DISABILITY, BIRTH OR
OTHER STATUS**

**OTHER STATUS INCLUDING
SOCIAL CLASS, OCCUPATION,
SEXUAL ORIENTATION,
PREFERRED LANGUAGE ETC.**

ACTIONS

THERE ARE ACTIONS THAT ARE QUALIFIED AS DISCRIMINATION.

ARBITRARY
DISTINCTION
PREFERENCE
REJECTION,
RESTRICTION OR
EXCLUSION OF A
PERSON OR GROUP

CRUDEST HUMAN
RIGHTS VIOLATIONS
GENOCIDE
SLAVERY
ETHNIC CLEANSING
OR RELIGIOUS
PERSECUTION

MORE SUBTLE/FREQUENT
DISCRIMINATION FORMS
*HIRING AND PROMOTION
FOR JOBS
*HOUSING PRACTICES
*VERBAL ABUSE. *COMMON
ACTS OF DISCRIMINATION
AMONG CHILDREN
-EXCLUSION (E.G.
REFUSING TO ACCEPT A
CHILD IN A GAME),
- BULLYING
- NAME CALLING BASED
ON DIFFERENCE

CONSEQUENCES

**ACTION HAS EFFECT OR
PURPOSE TO**

**PREVENT INDIVIDUALS
FROM EXERCISING
AND/OR ENJOYING
HUMAN RIGHTS &
FUNDAMENTAL FREEDOMS**

**DISCRIMINATION
IMPACTS SOCIETY AS A
WHOLE, REINFORCING
PREJUDICE & RACIST
ATTITUDE**

STEREOTYPES = FREQUENT CAUSE

- **DISCRIMINATION IS OFTEN BASED ON IGNORANCE, PREJUDICES AND NEGATIVE STEREOTYPES.**
- **MANY PEOPLE FEAR WHAT SEEMS STRANGE OR UNKNOWN**
- **REACT WITH SUSPICION OR EVEN VIOLENCE TO ANYONE WHOSE APPEARANCE, CULTURE OR BEHAVIOUR IS UNFAMILIAR.**

FORMS OF DISCRIMINATION

ATTITUDES,
ACTIONS OR
INSTITUTIONAL
PRACTICES THAT
SUBORDINATE OR
MARGINALIZE
ANYONE CAN BE
DISCRIMINATION

RACISM HAS
HISTORICAL ROOTS
IN BELIEFS IN THE
SUPERIORITY OF
ONE GROUP OVER
ANOTHER, ONCE
USED TO JUSTIFY
DISCRIMINATION
AGAINST 'INFERIOR'
GROUPS

SUCH BELIEFS ARE
NOW WIDELY
REJECTED, BUT
RACIAL
DISCRIMINATION
STILL EXISTS

OTHER FORMS OF
DISCRIMINATION
SEXISM, AGEISM,
HOMOPHOBIA,
ANTISEMITISM
RELIGIOUS
INTOLERANCE
XENOPHOBIA (FEAR
OR HATRED OF
FOREIGNERS OR
FOREIGN
COUNTRIES)

FORMS OF DISCRIMINATION

- **SEGREGATION, A FORM OF SEPARATION OF ETHNICAL GROUPS IMPOSED BY LAW OR BY CUSTOM, IS AN EXTREME FORM OF DISCRIMINATION. THERE HAVE BEEN OFFICIAL FORMS OF SEGREGATION IN**
- **EUROPE, USA, SOUTH AFRICA (APARTHEID) ETC.**
- **IN EUROPE, JEWS WERE ONCE ISOLATED IN GHETTOS. TODAY MANY ROMA PEOPLE IN SEVERAL EUROPEAN COUNTRIES ARE FORCED BY HOSTILE BEHAVIOUR OR BY ECONOMIC SEGREGATION TO LIVE IN SEPARATE COMMUNITIES.**

DIRECT DISCRIMINATION

DISCRIMINATION MAY BE PRACTISED OVERTLY AS DIRECT DISCRIMINATION

INTENTIONAL DISCRIMINATION
ARBITRARY DISTINCTION, EXCLUSION, RESTRICTION OR PREFERENCE AGAINST A PERSON OR GROUP WHICH HAS THE PURPOSE OF EFFECT OF PREVENTING THE EXERCISE & ENJOYMENT OF THEIR RIGHT(S)

EXAMPLES COULD BE

- WHEN A CHILD OF A CERTAIN ETHNICITY IS NOT ADMITTED TO A SCHOOL OR
- A HOUSING COMPANY THAT DOES NOT LET FLATS TO IMMIGRANTS.

INDIRECT DISCRIMINATION

THE EFFECT OF A POLICY OR MEASURE, WHICH MAY APPEAR NEUTRAL BUT SYSTEMATICALLY PUTS PEOPLE OF A PARTICULAR MINORITY AT A DISADVANTAGE COMPARED WITH OTHERS

EXAMPLES

- A FIRE DEPARTMENT MINIMUM HEIGHT FOR FIRE FIGHTERS AUTOMATICALLY EXCLUDES MANY FEMALE & IMMIGRANT APPLICANTS
- A DEPARTMENT STORE DOES NOT HIRE PERSONS WITH LONG SKIRTS OR COVERED HEADS

POSITIVE OR AFFIRMATIVE ACTION

TO FIGHT DISCRIMINATION, PARTICULARLY THAT WHICH IS MORE INDIRECT AND HIDDEN, SOME COUNTRIES HAVE ADOPTED MEASURES OF AFFIRMATIVE OR POSITIVE ACTION

AFFIRMATIVE ACTION
COHERENT PACKET OF
MEASURES, OF A TEMPORARY
CHARACTER, AIMED
SPECIFICALLY AT CORRECTING
THE POSITION OF MEMBERS OF
A TARGET GROUP IN ONE OR
MORE ASPECTS
OF THEIR SOCIAL LIFE, IN
ORDER TO OBTAIN EFFECTIVE
EQUALITY

ALL THESE MEASURES
AND PRACTISES SEEK TO
PROMOTE EQUALITY
'THROUGH (TEMPORARY)
INEQUALITY'

TARGET GROUPS OF POSITIVE ACTION

- ALL GROUP MEMBERS HAVE A CHARACTERISTIC IN COMMON
- FIND THEMSELVES IN A DISADVANTAGED POSITION
- CHARACTERISTIC IS OFTEN (BUT NOT ALWAYS) INNATE & INALIENABLE, SUCH AS GENDER, COLOUR OF SKIN, NATIONALITY OR MEMBERSHIP OF AN ETHNIC, RELIGIOUS OR LINGUISTIC MINORITY
- AFFIRMATIVE ACTION PROGRAMMES CONCERNED WITH WOMEN, BLACKS, IMMIGRANTS, POOR PEOPLE, PERSONS WITH DISABILITY, VETERANS, INDIGENOUS PEOPLES, OTHER RACIAL GROUPS, SPECIFIC MINORITIES, ETC.

JUSTIFICATIONS FOR AFFIRMATIVE ACTION

REMEDY OR REDRESS HISTORICAL INJUSTICES (I.E. AFRICAN AMERICANS; AUSTRALIAN ABORIGINALS)

REMEDY SOCIAL/STRUCTURAL DISCRIMINATION

CREATE DIVERSITY OR PROPORTIONAL GROUP REPRESENTATION

SOCIAL UTILITY ARGUMENTS

PRE-EMPT SOCIAL UNREST

REMEDY OR REDRESS HISTORICAL INJUSTICES

- CERTAIN DISADVANTAGED GROUPS HAVE BEEN SUBJECTED TO DISCRIMINATION FOR LONG PERIODS, WHICH HAS PUT THEIR DESCENDANTS IN AN UNDERPRIVILEGED POSITION BECAUSE OF, FOR INSTANCE, POOR EDUCATION & TRAINING.
- OVERCOME THE PRESENT EFFECTS OF PAST RACIAL DISCRIMINATION
- AFFIRMATIVE ACTION ENCOMPASSES ANY MEASURE, BEYOND SIMPLE TERMINATION OF A DISCRIMINATORY PRACTICE, ADOPTED TO CORRECT OR COMPENSATE FOR PAST OR PRESENT DISCRIMINATION OR TO PREVENT DISCRIMINATION FROM RECURRING IN THE FUTURE

REMEDY SOCIAL/STRUCTURAL DISCRIMINATION

FORMAL EQUALITY IS
INSUFFICIENT TO ADDRESS
ADEQUATELY PRACTICES IN
SOCIETY THAT LEAD TO
STRUCTURAL DISCRIMINATION.

ALL KINDS OF MEASURES,
PROCEDURES, ACTIONS OR
LEGAL PROVISIONS WHICH
ARE, AT FACE VALUE, NEUTRAL
AS REGARDS RACE, SEX,
ETHNICITY, ETC.,

BUT ADVERSELY AFFECT
DISADVANTAGED GROUPS
DISPROPORTIONATELY,
WITHOUT ANY OBJECTIVE
JUSTIFICATION

CREATE DIVERSITY OR PROPORTIONAL GROUP REPRESENTATION

THE PRESENCE OF RACIAL AND ETHNIC
DIVERSITY WITHIN THE ACADEMY AND
WORKPLACE IS A NECESSARY
COMPONENT OF A JUST SOCIETY

“POSITIVE DIVERSITY” COMPENSATORY
JUSTICE FOR RACIAL & ETHNIC
MINORITIES

SOCIAL UTILITY ARGUMENTS

WELL-DESIGNED
AFFIRMATIVE
ACTION
POLICY
INCREASES
WELL-BEING
OF MANY
PEOPLE IN
DIFFERENT
WAYS

PROFESSIONALS
FROM
DISADVANTAGED
GROUPS
BETTER
UNDERSTAND &
KNOW
PROBLEMS
AFFECTING
THOSE GROUPS

AFFIRMATIVE
ACTION CAN
PROVIDE
DISADVANTAGED
COMMUNITIES
WITH ROLE
MODELS,
INCENTIVE &
MOTIVATION

PARTICIPATION
DISADVANTAGED
GROUPS IN
DIFFERENT
SOCIAL
ENVIRONMENTS
DESTROYS
VICIOUS
STEREOTYPING
& PREJUDICES

PREFERENCE TO
LESS-QUALIFIED
PERSONS,
SOLELY BASED
ON GROUP
MEMBERSHIP
RISKS
REINFORCING
STEREOTYPING
BY LOWERING
QUALIFICATION
STANDARDS
& EFFICIENCY

PRE-EMPT SOCIAL UNREST

AFFIRMATIVE ACTION PROGRAMS

EU SPECIAL DISADVANTAGED AREAS & GENDER PREFERENCE PROGRAMS

INDIA & NIGERIA REGIONAL QUOTA PROGRAMS

USED TO PROMOTE INTERESTS OF UNDERPRIVILEGED IN SOCIETY & BALANCE INTERNAL INEQUALITIES OF ECONOMIC & POLITICAL POWER

HOPE PRE-EMPTING SOCIAL UNREST

USA CIVIL RIGHTS ACT VOTING RIGHTS ACT (RIGHT TO VOTE FOR AFRICAN AMERICAN) NOT SUFFICIENT. RIOTS IN WATTS IN 1965

PRESIDENT JOHNSON'S "WAR ON POVERTY", AN ATTEMPT TO REDUCE BLACK UNEMPLOYMENT THROUGH STRONG AFFIRMATIVE ACTION PROGRAMMES.

"YOU CAN PUT THESE PEOPLE TO WORK & YOU WON'T HAVE A REVOLUTION BECAUSE THEY'VE BEEN LEFT OUT. IF THEY'RE WORKING, THEY WON'T BE THROWING BOMBS IN YOUR HOMES & PLANTS. KEEP THEM BUSY ..."

BETTER EFFICIENCY OF SOCIO-ECONOMIC SYSTEM - MEANS OF NATION BUILDING

SOME ECONOMISTS ARGUE THAT THE ELIMINATION OF DISCRIMINATION AGAINST DISADVANTAGED GROUPS WILL SERVE THE EFFICIENCY AND JUSTICE OF THE SOCIO-ECONOMIC SYSTEM.

AT THE DAWN OF A NEW STATE, EFFORTS ARE MADE TO CREATE A MORE EGALITARIAN SOCIETY AND A COMMON NATIONALITY TO STRENGTHEN ITS SOVEREIGNTY.

MANY STATES THAT GAINED THEIR INDEPENDENCE AFTER A LONG PERIOD OF COLONIZATION FOUND THEMSELVES DIVIDED IN ETHNIC CONFLICT OR WERE AWARE OF SEVERAL GROUPS THAT WERE LAGGING BEHIND

EQUALITY OF OPPORTUNITIES?

- EQUALITY OF OPPORTUNITY

- AIM OF ANTI-DISCRIMINATION LAW SECURE REDUCTION OF DISCRIMINATION BY ELIMINATING/ CLEANSING FROM DECISION-MAKING PROCESSES ILLEGITIMATE CONSIDERATIONS BASED ON RACE, GENDER OR ETHNICITY HARMFUL FOR INDIVIDUALS. FAIRNESS FOR THE INDIVIDUAL, LIBERAL VISION, EFFICIENCY, MERIT & ACHIEVEMENT)
- EQUALITY OF OPPORTUNITY PROMOTES FREEDOM OF CHOICE & FREE COMPETITION BETWEEN INDIVIDUALS. IT ALLOWS SOCIAL MOBILITY, UP OR DOWN, IN ACCORDANCE WITH PEOPLE'S INDIVIDUAL TALENTS & SKILLS.
- AFFIRMATIVE ACTION MEASURES AIMED AT SKILL-BUILDING & GENDER- AND COLOUR-BLIND DECISION-MAKING (AFFIRMATIVE RECRUITMENT & AFFIRMATIVE PREFERENCE).

EQUALITY OF RESULTS?

EQUALITY CANNOT
DEPEND ON
INDIVIDUAL
PERFORMANCE

MEN, WOMEN, WHITES
& ETHNIC MINORITIES
HAVE SAME AVERAGE
TALENTS & SKILLS

LARGE DISPARITIES IN
RESULT ARE DUE TO A
SYSTEM OR STRUCTURE
OF DISCRIMINATION
CAUSED BY CERTAIN
PRACTICES

EQUALITY OF RESULTS
IS MORE
CONTROVERSIAL
BECAUSE ITS METHODS
ARE OPEN-ENDED &
DIFFICULT TO
MANAGE, I.E. QUOTAS

QUOTAS CRITICIZED
*DISADVANTAGE
OTHER VULNERABLE
GROUPS WITH SIMILAR
CLAIMS TO EQUALITY,
*CONTRIBUTE TO
HOSTILITY &
RESENTMENT
BETWEEN SOCIAL
GROUPS &

*FAIL TO TAKE INTO
ACCOUNT THE
FUNDAMENTAL
ELEMENT OF
INDIVIDUAL CHOICE

DOES NOT TAKE ACCOUNT
OF EXTENT TO WHICH THE
BURDEN OF HELPING
DISADVANTAGED GROUPS

*FALLS ON 3rd PARTIES WHO
MAY BE "INNOCENT" OF
PAST WRONG-DOING, &

*GAINED NO BENEFIT FROM
DISCRIMINATION AGAINST
THESE GROUPS IN THE PAST

&

* COMPRISE SOME OF THE
LEAST ADVANTAGED
SECTIONS OF THE
COMMUNITY

FORMS OF POSITIVE ACTION

- POSITIVE ACTION OFTEN MEANS DELIBERATELY FAVOURING A CERTAIN GROUP OR GROUPS WHO EXPERIENCED HISTORIC & PERVASIVE DISCRIMINATION. INTENDED RESULT IS TO COMPENSATE FOR HIDDEN DISCRIMINATIONS & TO ENSURE A MORE BALANCED SOCIAL REPRESENTATION. (EX.)
 - GIVING PREFERENCE TO CANDIDATES FROM GROUPS WHO SELDOM ATTEND UNIVERSITY, OR
 - ESTABLISHING QUOTAS FOR MINORITIES, SUCH AS WOMEN OR RURAL PEOPLE, FOR CERTAIN PUBLIC OFFICES.
- IN OTHER SITUATIONS POSITIVE ACTION MEANS CREATING THE CONDITIONS FOR PEOPLE WITH DIFFICULTIES (E.G. PHYSICAL DISABILITIES) TO ENJOY THE SAME RIGHTS AND OPPORTUNITIES.
- ANOTHER FORM OF POSITIVE ACTION SEEKS TO 'REPAIR' FORMER INJUSTICES

LIMITATIONS ON AND CRITERIA FOR ADOPTING POSITIVE ACTION

EVERY TIME WE SEPARATE PEOPLE AND GIVE DIFFERENT INDIVIDUALS AND GROUPS DIFFERENT RIGHTS AND OBLIGATIONS, WE SHOULD QUESTION WHY WE DO THIS

IS IT REALLY NECESSARY? DOES IT BENEFIT EVERYONE?
IF NOT, POSITIVE DISCRIMINATION COULD ITSELF BECOME A MANIFESTATION OF PREJUDICE AND DISCRIMINATION.

WHEN ADOPTED MEASURES OF POSITIVE ACTION

- MUST BE TEMPORARY
- CANNOT CREATE A PERMANENT STATUS OF UNEQUAL OR DIFFERENTIAL TREATMENT, AND
- SHALL CEASE UPON ATTAINMENT OF THE PURPOSE SPECIFIED AT THE TIME OF ADOPTION OF THE POSITIVE ACTION MEASURE

EU DIRECTIVES

- RACIAL EQUALITY DIRECTIVE 2000/43/EC
- EMPLOYMENT EQUALITY DIRECTIVE 2000/78/EC
- TRANSPOSITION IN EU COUNTRIES (LAWS AND BODIES)

RACIAL EQUALITY DIRECTIVE

2000/43/EC - DEFINITIONS

PRINCIPLE EQUAL TREATMENT

NO DIRECT OR INDIRECT DISCRIMINATION BASED ON RACIAL OR ETHNIC ORIGIN

DIRECT DISCRIMINATION

ONE PERSON IS TREATED LESS FAVOURABLY THAN ANOTHER IS, HAS BEEN OR WOULD BE TREATED IN A COMPARABLE SITUATION ON GROUNDS OF RACIAL OR ETHNIC ORIGIN

INDIRECT DISCRIMINATION

APPARENTLY NEUTRAL PROVISION, CRITERION OR PRACTICE WOULD

PUT PERSONS OF A RACIAL OR ETHNIC ORIGIN AT A PARTICULAR DISADVANTAGE COMPARED WITH OTHER PERSONS,

UNLESS THAT PROVISION, CRITERION OR PRACTICE IS OBJECTIVELY JUSTIFIED BY A LEGITIMATE AIM & THE MEANS OF ACHIEVING THAT AIM ARE APPROPRIATE & NECESSARY

RACIAL EQUALITY DIRECTIVE

2000/43/EC - DEFINITIONS

HARASSMENT

IS DISCRIMINATION, WHEN UNWANTED CONDUCT RELATED TO RACIAL OR ETHNIC ORIGIN TAKES PLACE

WITH THE PURPOSE OR EFFECT OF VIOLATING THE DIGNITY OF A PERSON & CREATING AN INTIMIDATING, HOSTILE, DEGRADING, HUMILIATING OR OFFENSIVE ENVIRONMENT

INSTRUCTION TO DISCRIMINATE AGAINST PERSONS ON GROUNDS OF RACIAL OR ETHNIC ORIGIN IS

DISCRIMINATION FOR THE PURPOSES OF THE DIRECTIVE

SCOPE OF APPLICATION

DIRECTIVE APPLIES TO ALL PERSONS, PUBLIC AND PRIVATE SECTORS, PUBLIC BODIES, IN RELATION TO:

- **ACCESS TO EMPLOYMENT AND TO UNPAID ACTIVITIES, SPECIFICALLY DURING RECRUITMENT;**
- **WORKING CONDITIONS, INCLUDING CONCERNING HIERARCHICAL PROMOTION, PAY AND DISMISSALS;**
- **ACCESS TO VOCATIONAL TRAINING;**
- **INVOLVEMENT IN WORKERS' OR EMPLOYERS' ORGANISATIONS, AND IN ANY PROFESSIONAL ORGANISATION;**
- **ACCESS TO SOCIAL PROTECTION AND TO HEALTH CARE; EDUCATION;**
- **SOCIAL ADVANTAGES, ACCESS TO GOODS AND SERVICES, PARTICULARLY HOUSING**

DOES NOT COVER DIFFERENCE OF TREATMENT BASED ON NATIONALITY, OR THE CONDITIONS OF ENTRY AND RESIDENCE FOR CITIZENS FROM THIRD COUNTRIES IN THE EUROPEAN UNION (EU)

DEROGATIONS FROM THE PRINCIPLE OF EQUAL TREATMENT

IN EMPLOYMENT, A DEROGATION MAY BE AUTHORISED WHERE RACE OR ETHNIC ORIGIN CONSTITUTES A FUNDAMENTAL PROFESSIONAL REQUIREMENT

DEROGATION MUST BE JUSTIFIED BY THE NATURE OF THE ACTIVITY & CONDITIONS UNDER WHICH IT IS EXERCISED.

LEGITIMATE & PROPORTIONATE.

DIRECTIVE DOES NOT PROHIBIT POSITIVE ACTION, NATIONAL MEASURES AIMED AT PREVENTING OR COMPENSATING FOR DISADVANTAGES CONNECTED WITH RACE OR ETHNIC ORIGIN

REMEDIES AND ENFORCEMENT

ANYONE WHO BELIEVES THEY ARE A VICTIM OF UNEQUAL TREATMENT MUST BE ABLE TO ACCESS LEGAL AND/OR ADMINISTRATIVE PROCEDURES, EVEN IF THE RELATIONSHIP IN QUESTION HAS ENDED.

ASSOCIATIONS OR OTHER INTERESTED LEGAL PERSONS MAY ALSO UNDERTAKE JUDICIAL PROCEEDINGS EITHER ON BEHALF OF OR IN SUPPORT OF THE COMPLAINANT.

BURDEN OF PROOF FALLS ON THE PARTY ACCUSED, WHO MUST PROVE THAT THE PRINCIPLE OF EQUAL TREATMENT WAS NOT INFRINGED.

COMPLAINANT MUST BE PROTECTED AGAINST ANY ADVERSE TREATMENT OR ADVERSE CONSEQUENCE AS A REACTION TO THE PROCEEDINGS.

SOCIAL DIALOGUE AND CIVIL DIALOGUE

THE SOCIAL PARTNERS ENSURE THE PROMOTION OF EQUAL TREATMENT, SPECIFICALLY BY MONITORING PRACTICES IN THE WORKPLACE, PRODUCING CODES OF CONDUCT AND CONCLUDING COLLECTIVE AGREEMENTS.

THE DIRECTIVE ENCOURAGES THE CONCLUSION OF AGREEMENTS ESTABLISHING NON-DISCRIMINATION RULES IN THE FIELDS WHICH FALL WITHIN THE SCOPE OF COLLECTIVE BARGAINING.

CIVIL DIALOGUE WITH THE CIVIL SOCIETY ORGANISATIONS CONCERNED IS ALSO ENCOURAGED

Bodies for the promotion of the principle

- EACH MEMBER STATES MUST ESTABLISH AT LEAST ONE BODY DEDICATED TO COMBATING DISCRIMINATION, IN PARTICULAR RESPONSIBLE FOR HELPING VICTIMS AND CONDUCTING INDEPENDENT STUDIES.
- THIS DIRECTIVE IS SUPPLEMENTED BY THE PROVISIONS ON EQUAL TREATMENT IN EMPLOYMENT AND OCCUPATION

LIST OF ANTIDISCRIMINATION LAWS (EU MS)

AUSTRIA Federal-Equal Treatment Act
Equal Treatment Act

Employment of People with Disabilities Act
Federal Disability Equality Act

BELGIUM Racial Equality Federal Act
General Anti-discrimination Federal Act

BULGARIA Protection Against Discrimination Act

CROATIA Anti-discrimination Act

CYPRUS Act on Equal Treatment in Employment and
Occupation

Act on Equal Treatment irrespective of Race or Ethnic Origin

Act on Persons with Disabilities

CZECH REPUBLIC

Anti-discrimination Act

DENMARK Act on Prohibition of Discrimination in the Labour
Market

Ethnic Equal Treatment Act

ESTONIA Equal Treatment Act

FINLAND Non-Discrimination Act

FRANCE Act on the Adaptation of National Law to Community
Law in Matters of Discrimination

FYR of MACEDONIA

Prevention and Protection against Discrimination Act

GERMANY General Equal Treatment Act

GREECE Equal Treatment Act

HUNGARY Act on Equal Treatment and the Promotion of Equal
Opportunities

ICELAND -

IRELAND Employment Equality Act
Equal Status Act

ITALY Legislative Decree No. 215 on the Implementation of
Directive 43/2000

Legislative Decree No. 216 of 2003 on the Implementation of
Directive 78/2000

Law No. 67 on Measures for the Judicial Protection of Persons
with Disabilities Victims of Discrimination

LATVIA Labour Law

Law on Prohibition of Discrimination against Natural Persons
who are Economic Operators

LIECHTENSTEIN Act on Equality of People with Disabilities

LITHUANIA Equal Treatment Act

LUXEMBOURG Equal Treatment Act

MALTA Equal Treatment in Employment Regulations

Equal Treatment of Persons Order

Equal Opportunities (Persons with Disabilities Act

Equality for Men and Women Act¹⁵⁴

NETHERLANDS General Equal Treatment Act

Disability Discrimination Act

Age Discrimination Act

NORWAY Anti-Discrimination Act on Prohibition of Discrimination
based on Ethnicity, religion, etc.

Working Environment Act

Anti-Discrimination and Accessibility Act on Prohibition of
Discrimination on the Basis of Disability

POLAND Act on the Implementation of Certain Provisions
of the European Union in the Field of Equal Treatment

PORTUGAL Principle of Racial Equal Treatment Act
Act on the Prohibition of Discrimination based on Disability
and Pre-Existing Risk to Health

Labour Code

ROMANIA Ordinance on the Prevention and Punishment
of All Forms of Discrimination

SLOVAKIA Act on Equal Treatment in Certain Areas and
Protection against Discrimination Equal Treatment Act

SLOVENIA Act Implementing the Principle of Equal
Treatment

Employment Relationship Act

Vocational Rehabilitation and Employment of Disabled
Persons Act

SPAIN Act on Fiscal, Administrative and Social Measures

SWEDEN Discrimination Act

TURKEY - -

UNITED KINGDOM

(UK) Equality Act

(NI) The Race Relations Order

(NI) Fair Employment and Treatment Order

(NI) Disability Discrimination Act

(NI) Employment Equality (Age) Reg. 3

(NI) Equality Act (Sexual Orientation) Regulations 2006
Reg. 3

BODIES FOR PROMOTION OF EQUAL TREATMENT (EU MS)

AUSTRIA
EQUAL TREATMENT
COMMISSION
NATIONAL EQUALITY
BODY – NEB

BELGIUM
CENTRE FOR EQUAL
OPPORTUNITIES AND
OPPOSITION TO
RACISM

BULGARIA
PROTECTION
AGAINST
DISCRIMINATION
COMMISSION

CROATIA
PEOPLE'S
OMBUDSMAN

CYPRUS
EQUALITY
AUTHORITY &
ANTI-DISCRIMINATIO
N
AUTHORITY

BODIES FOR PROMOTION OF EQUAL TREATMENT (EU MS)



BODIES FOR PROMOTION OF EQUAL TREATMENT (EU MS)



BODIES FOR PROMOTION OF EQUAL TREATMENT (EU MS)

ITALY NATIONAL
OFFICE AGAINST
RACIAL
DISCRIMINATION

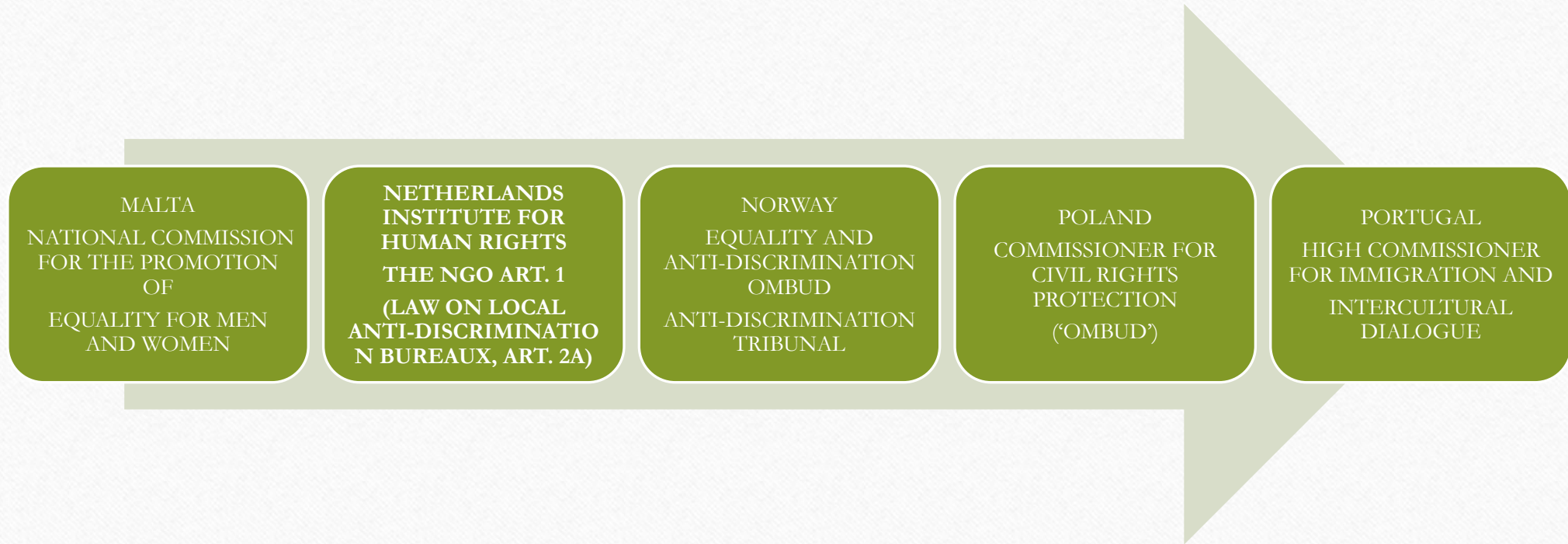
LATVIA
OMBUDSMAN

LIECHTENSTEIN
OFFICE FOR
EQUAL
OPPORTUNITIES

LITHUANIA
EQUAL
OPPORTUNITIES
OMBUDSPERSON

LUXEMBOURG
CENTRE FOR
EQUAL
TREATMENT

BODIES FOR PROMOTION OF EQUAL TREATMENT (EU MS)



EXAMPLES OF LAWS

ONE SINGLE ACT
AND PROTECTION
BODY

- SWEDEN

MORE ACTS AND A
PROTECTION
BODY

- NORWAY

SWEDEN

SINGLE DISCRIMINATION ACT

DISCRIMINATION ACT (SWEDISH CODE OF STATUTES 2008:567) REPLACES 7 DIFFERENT ACTS ON

- EQUAL OPPORTUNITIES;
- MEASURES AGAINST DISCRIMINATION IN WORKING LIFE ON GROUNDS OF ETHNIC ORIGIN, RELIGION OR OTHER RELIGIOUS FAITH;
- PROHIBITION OF DISCRIMINATION IN WORKING LIFE ON GROUNDS OF DISABILITY;
- PROHIBITION OF DISCRIMINATION IN WORKING LIFE ON GROUNDS OF SEXUAL ORIENTATION;
- EQUAL TREATMENT OF STUDENTS AT UNIVERSITIES; PROHIBITION OF DISCRIMINATION;
- PROHIBITING DISCRIMINATORY AND OTHER DEGRADING TREATMENT OF CHILDREN AND SCHOOL STUDENTS

EQUALITY OMBUDSMAN
BOARD AGAINST DISCRIMINATION

- SEX
- TRANSGENDER IDENTITY OR EXPRESSION
- ETHNIC ORIGIN
- RELIGION OR OTHER BELIEF
- DISABILITY
- SEXUAL ORIENTATION
- AGE

POWERS OF EQUALITY OMBUDSMAN

APPLY TO THE BOARD AGAINST DISCRIMINATION FOR A FINANCIAL PENALTY AGAINST EMPLOYERS AND EDUCATION PROVIDERS THAT DO NOT FULFIL THEIR OBLIGATION TO TAKE ACTIVE MEASURES.

ORDER FINANCIAL PENALTIES AGAINST EMPLOYERS, EDUCATION PROVIDERS, BUSINESS OPERATORS, ETC. WHO REFUSE TO:

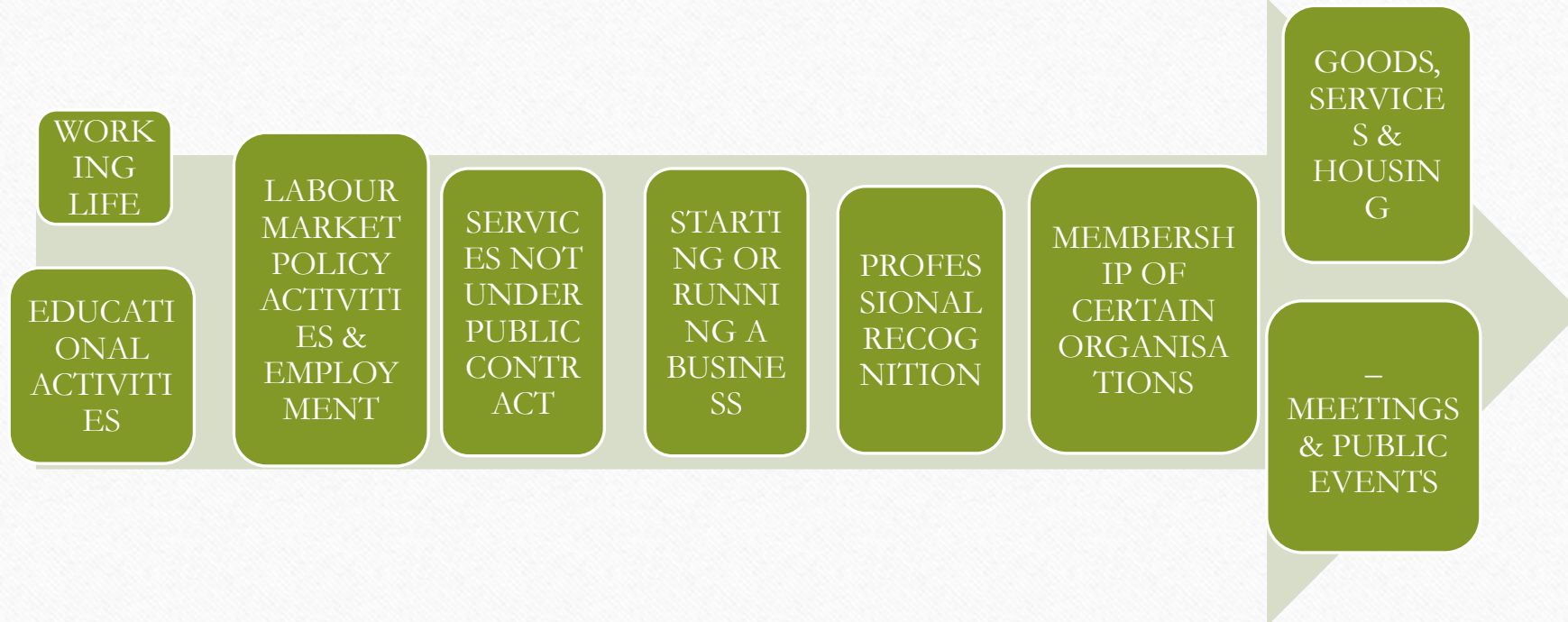
* PROVIDE INFORMATION ABOUT CIRCUMSTANCES IN THEIR ACTIVITIES THAT ARE OF IMPORTANCE FOR THE SUPERVISION EXERCISED BY THE OMBUDSMAN

*PROVIDE INFORMATION ABOUT THE QUALIFICATIONS OF THE PERSON OR PERSONS WHO WERE, FOR EXAMPLE, SELECTED FOR A JOB INTERVIEW, APPOINTED TO A POST OR ADMITTED TO AN EDUCATIONAL PROGRAMME

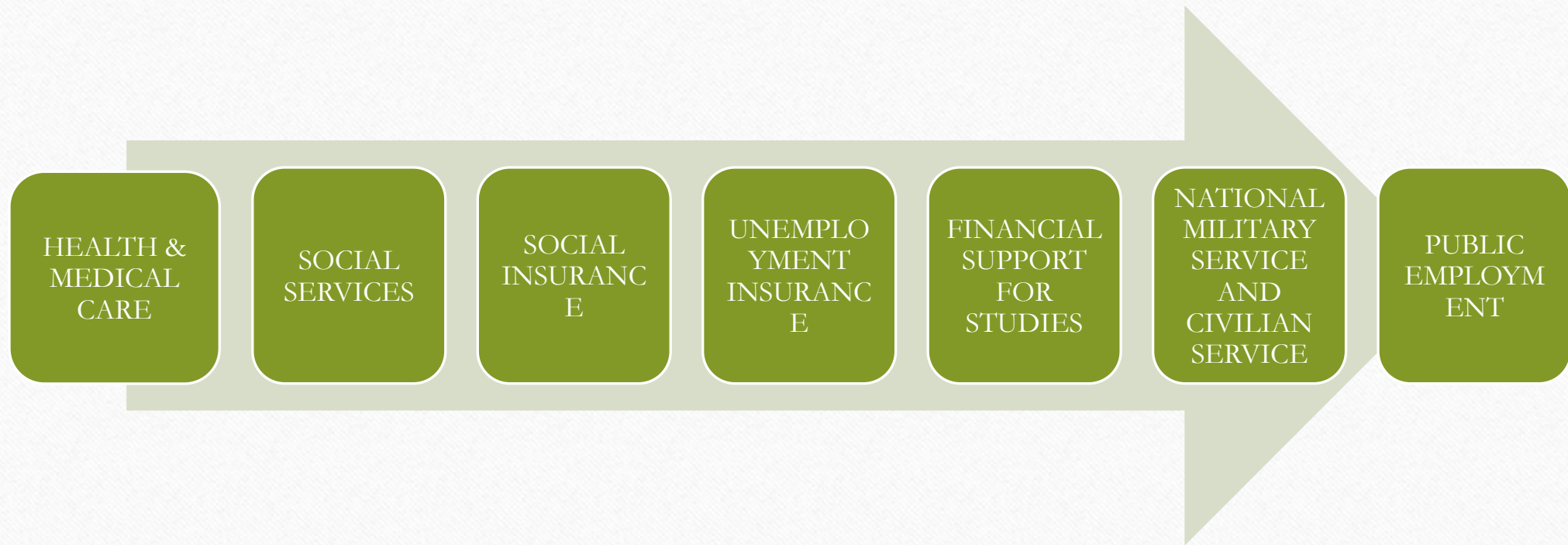
* GIVE THE OMBUDSMAN ACCESS TO WORKPLACES OR OTHER PREMISES WHERE ACTIVITIES ARE CONDUCTED

*ATTEND DISCUSSIONS WITH THE OMBUDSMAN.

SCOPE OF APPLICATION OF SWEDISH DISCRIMINATION ACT



SCOPE OF APPLICATION OF SWEDISH DISCRIMINATION ACT



NORWAY

ACT ON THE
EQUALITY AND
ANTI-DISCRIMINATI
ON OMBUD AND THE
EQUALITY AND
ANTI-DISCRIMINATI
ON TRIBUNAL (THE
ANTI-DISCRIMINATI
ON OMBUD ACT)

THE ACT ON
PROHIBITION OF
DISCRIMINATION
BASED ON
ETHNICITY,
RELIGION, ETC.

ACT RELATING TO
GENDER EQUALITY

ANTI-DISCRIMINATI
ON AND
ACCESSIBILITY ACT

NORWAY- EQUALITY & ANTIDISCRIMINATION OMBUD

MONITORS

- THE GENDER EQUALITY ACT.
- THE ANTI-DISCRIMINATION ACT).
- THE ANTI DISCRIMINATION AND ACCESSIBILITY ACT (DTL).
- THE CHAPTER ON EQUAL OPPORTUNITIES IN THE WORKING ENVIRONMENT ACT.
- THE NON-DISCRIMINATION CLAUSES IN THE HOUSING LEGISLATION.
- THE TENANCY ACT.
- THE HOUSING ASSOCIATION ACT.
- THE RESIDENTIAL BUILDING ASSOCIATION ACT.

RESPONSIBLE FOR DISCRIMINATION RELATING TO

- VIOLENCE AND HARASSMENT
- SEXUAL ORIENTATION
- RELIGION
- GENDER
- DISABILITY
- ETHNICITY
- AGE

DISCRIMINATION BASED ON RACE

RACISM

A CONSCIOUS OR UNCONSCIOUS BELIEF IN THE SUPERIORITY OF ONE RACE OVER OTHER ANOTHER.

- THIS DEFINITION PRESUPPOSES THE EXISTENCE OF DIFFERENT BIOLOGIC 'RACES', A SUPPOSITION NOW DISPELLED BY RECENT RESEARCH, ESPECIALLY THE HUMAN GENOME PROJECT
- ALTHOUGH 'RACE' IS CLEARLY A SOCIAL CONSTRUCT, RACISM IS NONETHELESS PREVALENT THROUGHOUT THE WORLD

FEW BELIEVE ANY LONGER IN A 'SUPERIOR RACE' WITH AN INHERENT RIGHT TO EXERCISE POWER OVER "INFERIORS"

BUT MANY CONTINUE TO PRACTISE

CULTURAL RACISM OR ETHNOCENTRISM

- THIS IS THE BELIEF THAT SOME CULTURES, USUALLY THEIR OWN, ARE SUPERIOR OR THAT OTHER CULTURES, TRADITIONS, CUSTOMS & HISTORIES ARE INCOMPATIBLE WITH THEIRS

MECHANISM & CONSEQUENCES OF RACISM

- RACISM OF ANY KIND IS RELATED TO POWER
 - PEOPLE WHO HOLD POWER DETERMINE WHAT IS 'SUPERIOR' AND DISCRIMINATE AGAINST PEOPLE WITH LESS POWER.
 - RACISM TRANSLATES PREJUDICE INTO ACTION.
- THE CONSEQUENCES OF RACISM, BOTH TODAY AND IN THE PAST, ARE DEVASTATING BOTH FOR INDIVIDUALS AND FOR SOCIETY AS A WHOLE. RACISM LED TO
 - MASS EXTERMINATION,
 - GENOCIDE
 - OPPRESSION.
 - SUBJUGATION OF MAJORITIES TO THE WHIMS OF TINY MINORITIES WHO HOLD WEALTH AND POWER.

DISCRIMINATION BASED ON ETHNICITY AND CULTURE

CULTURAL RACISM HOLDS THAT CERTAIN CULTURES ARE SUPERIOR TO OTHERS

DISCRIMINATION BASED ON ETHNICITY AND CULTURE REGARDS SOME CULTURES, USUALLY MINORITIES, AS INHERENTLY INFERIOR OR UNDESIRABLE

HISTORICALLY, EUROPEAN JEWS AND ROMA HAVE SUFFERED MOST FROM THIS FORM OF DISCRIMINATION.

ANTISEMITISM

- -HOSTILITY TOWARDS JEWS AS A RELIGIOUS OR ETHNIC MINORITY -DATES FROM MEDIEVAL TIMES WHEN JEWS WERE USUALLY THE ONLY NON-CHRISTIAN MINORITY LIVING IN CHRISTIAN EUROPE. - JEWS STRUGGLED FOR CENTURIES VS INJUSTICE & PREJUDICE OF CHRISTIAN SOCIETIES
 - PROHIBITED FROM PRACTISING MOST TRADES & PROFESSIONS
 - FORCED TO LIVE IN GHETTOS APART FROM CHRISTIANS
 - PENALIZED WITH HIGH TAXES, STRIPPED OF PROPERTY AND
 - EVEN EXPELLED FROM THEIR COUNTRIES OR KILLED
- THE RISE OF FASCISM IN THE MID-TWENTIETH CENTURY, WITH ITS IDEOLOGY OF RACIAL SUPERIORITY, INTENSIFIED ANTISEMITISM IN EUROPE & ULTIMATELY RESULTED IN THE HOLOCAUST, THE SYSTEMATIC EXTERMINATION OF MORE THAN SIX MILLION JEWS DURING THE SECOND WORLD WAR
- IN THE TWENTY-FIRST CENTURY ANTISEMITISM IS FAR FROM OVER. GROUPS CLAIMING THEIR SUPERIORITY DESECRATE JEWISH CEMETERIES AND NEO-NAZI NETWORKS OPENLY CIRCULATE ANTISEMITIC PROPAGANDA

DISCRIMINATION AGAINST ROMA

THE ROMA, MISNAMED GYPSIES, LIVED ACROSS EUROPE FOR CENTURIES.

- WITHOUT A HOMELAND OF THEIR OWN, ROMA PEOPLE MAINTAINED THEIR LANGUAGE & CULTURE WHILE LIVING MAINLY NOMADIC LIVES AS TINKERS, CRAFTSMEN, MUSICIANS & TRADERS
- THROUGHOUT THEIR EXISTENCE, ROMA EXPERIENCED DISCRIMINATION, INCLUDING FORCED ASSIMILATION & OUTRIGHT SLAVERY

DURING THE TWENTIETH CENTURY THOUSANDS OF ROMA SUFFERED

- GENOCIDE AT THE HANDS OF GERMAN NAZIS
- FORCED SOCIALIZATION UNDER COMMUNIST REGIMES OF EASTERN EUROPE,
- ECONOMIC EXCLUSION IN HIGH-TECH CAPITALIST ECONOMIES WHERE THEY LACK NECESSARY SKILLS.

TODAY MANY ROMA CHILDREN GROW UP IN HOSTILE SOCIAL ENVIRONMENTS WHERE THEY ARE DENIED MANY BASIC RIGHTS SUCH AS EDUCATION, HEALTH CARE AND HOUSING

DISCRIMINATION BASED ON XENOPHOBIA

- IN RESPONSE TO GROWING GLOBALIZATION & DIVERSITY OF SOCIETY, SOME PEOPLE RESPOND WITH XENOPHOBIA, A FEAR OR AVERSION TO FOREIGNERS OR FOREIGN COUNTRIES.
- IN MOST CASES THE CONCEPT OF 'FOREIGN' IS BASED ON SOCIALLY CONSTRUCTED IMAGES AND IDEAS THAT REDUCE THE WORLD TO
 - 'US', THE NORMAL, 'GOOD ONES LIKE ME', AND
 - 'THEM', THE OTHERS WHO ARE DIFFERENT: A THREAT, A DISRUPTION, REPRESENTING A DEGRADATION OF VALUES & PROPER BEHAVIOUR
- CONSIDERED BY MOST MORALLY UNACCEPTABLE & CONTRARY TO A CULTURE OF HUMAN RIGHTS, XENOPHOBIA IS NOT UNUSUAL
- DISCRIMINATORY ACTIONS BASED ON XENOPHOBIA, SUCH AS VERBAL ABUSE AND ACTS OF VIOLENCE, ARE CLEARLY HUMAN RIGHTS VIOLATIONS

DISCRIMINATION BASED ON GENDER

ALTHOUGH SUBTLE & MORE OR LESS
HIDDEN IN EUROPE, GENDER
DISCRIMINATION IS PERVASIVE

MANY INSTITUTIONS OF SOCIETY, SUCH
AS THE MEDIA, FAMILY, CHILDCARE
INSTITUTIONS OR SCHOOLS, PRESERVE &
TRANSMIT STEREOTYPES ABOUT &
UNEQUALITY BETWEEN MEN & WOMEN

DISCRIMINATION BASED ON GENDER

- TRADITIONAL GENDER TRAITS IN WESTERN SOCIETIES OFTEN RELATE TO POWER
- MEN & THEIR TYPICAL ACTIVITIES CHARACTERIZED AS OUTGOING, STRONG, PRODUCTIVE, BRAVE, IMPORTANT, PUBLIC-ORIENTED, INFLUENTIAL & HAVING HIGH FINANCIAL REWARDS & SOCIAL RECOGNITION & VALUE.
- WOMEN'S KEY CHARACTERISTICS REFLECT POWERLESSNESS: DEPENDENT, CARING, PASSIVE & FAMILY-ORIENTED. WOMEN OFTEN HOLD SUBORDINATE POSITIONS, THEIR WORK IS LESS VALUED RECOGNISED & REMUNERATED
- GIRLS OR BOYS WHO DO NOT CONFORM TO STEREOTYPICAL EXPECTATIONS CAN EXPERIENCE CRITICISM, OSTRACISM VIOLENCE
- SUCH CONFLICTS CAN CONFUSE THE DEVELOPMENT OF CHILDREN'S GENDER IDENTITY

DISCRIMINATION BASED ON RELIGION

PRACTICE OF
RELIGION & FAITH
WAS
SYSTEMATICALLY
DISCOURAGED OR
EVEN REPRESSED IN
THE COUNTRIES OF
THE SOVIET BLOC

FREEDOM OF
RELIGION IS NOW
OFFICIALLY
RESPECTED IN
EUROPE, YET
DISCRIMINATION
BASED ON
RELIGION IS
PREVALENT, OFTEN
INEXTRICABLY
LINKED WITH
RACISM &
XENOPHOBIA

IN THE PAST EUROPE
WAS TORN BY
CONFLICTS &
DISCRIMINATION
BETWEEN
PROTESTANT &
CATHOLIC
CHRISTIANS, ROMAN
& EASTERN
ORTHODOX
CHRISTIANS &
OFFICIAL CHURCHES
& DISSENTING SECTS

TODAY
DIFFERENCES
AMONG CHRISTIANS
MAY BECOME
IMPORTANT IN
SPECIFIC CONFLICT
SITUATIONS

ISLAMOPHOBIA

- MANY RELIGIOUS COMMUNITIES IN MINORITY POSITIONS CONTINUE TO THRIVE ACROSS EUROPE, INCLUDING JEWS, HINDUS, BUDDHISTS, BAHÁ'Í, RASTAFARIANS AND MUSLIMS. GROWING RELIGIOUS DIVERSITY IS OFTEN IGNORED
- OF PARTICULAR CONCERN IS THE RISE OF ISLAMOPHOBIA, THE DISCRIMINATION, FEAR & HATRED OF ISLAM, WHICH IS THE MOST WIDESPREAD RELIGION IN EUROPE AFTER CHRISTIANITY & THE MAJORITY RELIGION IN SOME COUNTRIES AND REGIONS IN THE BALKANS & CAUCASUS
- THE HOSTILITY TOWARDS ISLAM FOLLOWING THE TERRORIST ATTACKS ON TARGETS IN THE UNITED STATES, SPAIN & ENGLAND IN RECENT YEARS HAS REVEALED DEEP-SEATED PREJUDICES IN MOST EUROPEAN SOCIETIES.

EXPRESSIONS OF ISLAMOPHOBIA

SOME OF THE MOST COMMON PUBLIC EXPRESSIONS OF THIS BIAS ARE

- A LACK OF OFFICIAL RECOGNITION AS A RELIGION
- THE REFUSAL OF PERMISSION TO BUILD MOSQUES
- FAILURE TO SUPPORT FACILITIES FOR MUSLIM RELIGIOUS GROUPS OR COMMUNITIES AND
- RESTRICTIONS ON WOMEN AND GIRLS WEARING THE HEADSCARF
- PREJUDICES AGAINST THE SO-CALLED 'INCOMPATIBILITY' OF ISLAM WITH HUMAN RIGHTS

PREJUDICES AGAINST ISLAM

- ISLAM 'INCOMPATIBILITY' WITH HUMAN RIGHTS
- ABSENCE OF DEMOCRACY WIDESPREAD VIOLATIONS OF HUMAN RIGHTS IN MANY PREDOMINANTLY MUSLIM COUNTRIES CITED AS EVIDENCE
- WITHOUT ACKNOWLEDGING THAT RELIGION IS ONLY ONE OF MANY FACTORS THAT MAY CONTRIBUTE TO UNDEMOCRATIC GOVERNMENTS.
- MUCH PREJUDICE ALSO RESULTS FROM IGNORANCE ABOUT ISLAM
- MANY PEOPLE ASSOCIATE ONLY WITH TERRORISM & EXTREMISM & POLITICS OF CERTAIN COUNTRIES
- ISLAM, LIKE MOST RELIGIONS, PREACHES TOLERANCE, SOLIDARITY & LOVE FOR ONE'S FELLOW BEINGS

DISCRIMINATION BASED ON SEXUAL ORIENTATION

HOMOPHOBIA IS AN AVERSION TO OR HATRED OF GAY, LESBIAN OR HOMOSEXUAL PEOPLE, OR THEIR LIFESTYLE OR CULTURE, OR GENERALLY OF PEOPLE WITH A DIFFERENT SEXUAL ORIENTATION, INCLUDING BI-SEXUAL & TRANSGENDERED PEOPLE

MANY SEE HOMOSEXUALITY AS A DISEASE, PSYCHOLOGICAL DISORDER OR EVEN MORAL SIN
MANY CONSCIOUSLY OR UNCONSCIOUSLY APPLY HETEROSEXUAL NORMS TO GAY & LESBIAN PEOPLE, FAULTING THEM FOR FAILING TO CONFORM TO BEHAVIOUR EXPECTED OF 'NORMAL PEOPLE'

LEGAL REFORMS IN EUROPE GREATLY STRENGTHENED HUMAN RIGHTS OF GAY & LESBIAN PEOPLE

CONDITIONS VARY GREATLY

- URBAN AREAS WHERE OPENLY HOMOSEXUAL PEOPLE LIVE & WORK & FORM CIVIL UNIONS WITH RELATIVELY LITTLE DIFFICULTY
- RURAL AREAS & PARTS OF EASTERN & CENTRAL EUROPE WHERE GAYS MAY MEET WITH DISCRIMINATORY LAWS, HARASSMENT AND EVEN VIOLENCE FROM BOTH PUBLIC & AUTHORITIES

DISCRIMINATION BASED ON DISABILITY

- THE IMPORTANCE OF WORDS. ARE YOU USING THE TERM PERSON WITH DISABILITY OR INVALID, DISABLED PERSON ETC.?
- DISABILITY IS A CONDITION. IT DOES NOT DISABLE THE PERSON, HER/HIS EQUAL RIGHTS AND DIGNITY
- THE TERM 'PERSON WITH A DISABILITY' (PWD) REFERS TO MANY DIFFERENT CONDITIONS: A DISABILITY MAY BE PHYSICAL, INTELLECTUAL, SENSORY OR PSYCHO-SOCIAL, TEMPORARY OR PERMANENT, AND RESULT FROM ILLNESS, INJURY OR GENETICS.

EXCLUSION AND PREJUDICE

PWDs HAVE THE SAME HUMAN RIGHTS AS ALL OTHER PEOPLE.

FOR A NUMBER OF REASONS THEY OFTEN FACE SOCIAL, LEGAL & PRACTICAL BARRIERS IN CLAIMING THEIR HUMAN RIGHTS ON AN EQUAL BASIS WITH OTHERS

REASONS USUALLY STEM FROM MISPERCEPTIONS & NEGATIVE ATTITUDES TOWARD DISABILITY. THEY ARE CAUSE & EFFECT OF EXCLUSION FROM PARTICIPATION

MANY PEOPLE HAVE MISCONCEPTIONS PWDs CANNOT BE PRODUCTIVE MEMBERS OF SOCIETY.

*PWDs ARE 'BROKEN' OR 'SICK' & REQUIRE FIXING OR HEALING, OR

*THEY ARE HELPLESS & NEED TO BE CARED FOR

REASONABLE ACCOMMODATION

A POSITIVE ATTITUDE
REGARDS DISABILITY AS A
NATURAL PART OF HUMAN
DIVERSITY THAT SHOULD BE
APPROACHED WITH
REASONABLE
ACCOMMODATION

THIS IS ANY MEASURE
DESIGNED TO PROMOTE FULL
PARTICIPATION & ACCESS,
AND TO EMPOWER A PERSON
TO ACT ON HIS OR HER OWN
BEHALF (E.G. A WHEELCHAIR,
OR MORE TIME TO
ACCOMPLISH A TASK)

THE SOCIETY HAS A
RESPONSIBILITY TO
ACCOMMODATE PWDs

SOCIAL MODEL OF DISABILITY

BARRIERS CREATED BY THE SOCIAL & PHYSICAL ENVIRONMENT THAT INHIBIT PWDs' ABILITY TO PARTICIPATE IN SOCIETY & EXERCISE THEIR RIGHTS SHOULD BE ELIMINATED BY

- PROMOTING POSITIVE ATTITUDES &
- MODIFYING PHYSICAL BARRIERS (E.G. BUILDINGS WITH WHEELCHAIR ACCESS)

IN THE SOCIAL MODEL OF DISABILITY, CHILDREN WITH DISABILITIES ARE NOW CONSIDERED AS CHILDREN 'WITH SPECIAL NEEDS'

SOCIAL INSTITUTIONS ARE OBLIGED TO TAKE THESE NEEDS INTO ACCOUNT & ADJUST TO THEM

A LARGE PROPORTION OF CHILDREN WITH DISABILITY ATTEND THE REGULAR SCHOOL SYSTEM TODAY. WHAT IS THE SITUATION IN UKRAINE?

THE LONG PATH TO INCLUSION

THE TERM 'CHILDREN WITH SPECIAL EDUCATIONAL NEEDS' ALSO INCLUDES THOSE WHO ARE FAILING IN SCHOOL FOR REASONS THAT ARE LIKELY TO IMPEDE THEIR OVERALL DEVELOPMENT AND PROGRESS.

SCHOOLS NEED TO ADAPT THEIR CURRICULUM, TEACHING AND ORGANISATION &/OR TO PROVIDE ADDITIONAL SUPPORT TO HELP THESE PUPILS ACHIEVE THEIR POTENTIAL.

THESE DEVELOPMENTS ARE PART OF THE MOVEMENT TOWARD INCLUSIVE AS OPPOSED TO SEGREGATED EDUCATION.

CRPD

DECEMBER 2006 THE UN GENERAL ASSEMBLY ADOPTED 'THE FIRST' INTERNATIONAL TREATY ADDRESSING THE HUMAN RIGHTS OF PWDs, THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

THE CONVENTION DEFINES DISABILITY AS AN ELEMENT OF HUMAN DIVERSITY AND PRAISES THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES TO SOCIETY

IT REQUIRES UNIVERSAL DESIGN & PROHIBITS OBSTACLES TO THE PARTICIPATION AND PROMOTES THE ACTIVE INCLUSION OF PWDs IN SOCIETY

THE LONG TERM GOAL OF THIS CONVENTION IS TO CHANGE THE WAY THE PUBLIC PERCEIVES PWDs ULTIMATELY CHANGING SOCIETY AS A WHOLE