

Project description sheet issued by a federal administration

Practical information

Name of the public institution who has issued the project:
Centre for Equal Opportunities and Anti-racism

Name of the project: Database on complaints

Timing of the scientific tasks to be accomplished: 18 months

Deliverables and valorisation activities by the scientific team (not foreseen in the project description below):

- *International seminar (beginning of the project, state of the art concerning the data/work to perform) ;*
- *report* exposing the way the data concerned by the project could make international/European comparisons or harmonisation possible by the public authority;
- *Valorisation activity by the end of the project:* the team will make a proposal in this respect in its submission form.
- Deliverables from the research contract with federal Science Policy Office: *project description* (max. 25 lines in French, Dutch, English and German for the Web site of the Science Policy Office), *summary of the project* in max. 10 pages in F/D/EN/G for the web site of the Federal Science Policy Office, *a document in max. 40 lines* destined to the AGORA Newsletter at the end of the project in F/D/EN, *interims reports* (max. 2 pages, issued every 6 months destined to the financing of the project), *reports for the users' committee* (see below) ;

All these activities are to be financed within the allocated budget.

Working of the project:

The public authority steers and manages the project and collaborates closely with the team and the federal Science Policy Office (which form the technical committee of the project). The project is followed up by a users' committee who comes together at least three times in the course of the project (at the beginning, in the middle and at the end). Its role is to give a positive input to the team and the public authority in the management of the project. It is composed by representatives of other public administrations and by other researchers. The scientific team is in charge of preparing the documents for this committee, the public institution is responsible of the agenda and the minutes of the meetings.

Date of the information session with a delegate of the public institution (inscription at least a week in advance by e-mail – naji@belspo.be . without mark of interest, the meeting will be cancelled): 9 April, 2 PM, Federal Science Policy Office.

The project

1. Name of the Public institution

Centre for Equal Opportunities and Anti-racism

2. Name of the project

Database on complaints

3. Acronym

EqualityClaim

4. Description of the project and situation within the framework of the institution

Background

1993, start of complaints registration via a Microsoft Access databank.

2003, due to the enlargement of the grounds for discrimination an internal registration system is developed (by the firm Dolmen).

2004, implementation of an internal registration system.

After 3 years the internal registration system is no longer suited to the institution's current needs. There is a need for a new, more easily maintainable file management system, and one that is in line with the new national and international laws and directives and meets the needs of the institution.

The Centre will be converted to an inter-federal body, which will coordinate the organisation of contact points. This implies the need for a uniform and integrated file management system, which can be used by the various contact points.

European directives 2000/43 (known as the race directive), and 2000/78 (known as the discrimination directive) are to be converted into national legislation in each of the 27 Member States.

For Belgium this means not only federal laws (and we have them, the so-called 'laws of the 10th of May 2007'), but also that every region and community will need to convert the directives into decrees and ordinances in all areas in which they exercise authority. The latter has only been realised to a very minimal extent.

Europe also obliges every government to appoint an independent body to assist victims. The federal government has such a body, i.e. the Centre for Equal Opportunity and Anti-racism. But the regions and communities will also need to appoint an independent body. There are two possibilities: either each of these governments appoints a body of its own, or they join forces to appoint a single body.

The political choice was quick in coming: they opted resolutely to appoint a single Centre (possibly with a second body to deal specifically with 'gender'; such as the present Institute for the Equality of Men and Women). Not only is this in the interests of every inhabitant of this country, who will know exactly who to turn to. It is also a lot cheaper, and the grouping of all expertise on discrimination in a single Centre is also a strong point.

Between December 2006 and June 2007 there were intensive negotiations between all the governments of this country to convert the current federal Centre into a communal, 'inter-federal' Centre. To this end a draft 'partnership agreement' was prepared between all the governments and parliaments of this country. The text is just about ready; just about all the bottlenecks have been covered and cleared. However, it is now a case of waiting for the new

federal government to take the next step: acceptance by all governments of the same draft of the partnership agreement, after which the necessary recommendations can be sought (Council of state, Serv, ...).

All political parties of all governments were involved closely or from a slightly further distance in the negotiations on this partnership agreement. In this sense hopes are high that a finalised text can quickly be approved once the new federal government has been formed.

In the meantime we would like to call to mind that since 1993 the current federal legislation on the Centre has provided that it is able to accept cases from all of the country's governments. At the present time the Centre is working on a whole series of files relating to regional and community matters, and, on top of this, the Centre is also playing an important coordinating role at the present time (the Centrum is the 'National Contact Point Integration' for the EU, coordinator of the European Year of Equal Opportunity 2007, etc). On the one hand the partnership agreement must formalise this 'inter-federal' role, and, on the other, make it possible for the Centre to act legally on the basis of decrees and ordinances.

Contextualisation:

Tasks of the Centre Legal framework

Act of 15 February 1993 forming a Centre for Equal Opportunity and Anti-racism B.S., 19.II.1993, amended by the Acts of 13 April 1995 (BS, 25 IV 95), 20 January 2003 (BS, 12 II 03), 25 February 2003 (BS, 17 III 03), 10 August 2005 (BS, 2 IX 05), 10 May 2007 (BS, 30 V 07)

According to the text of the statute: "It is the task of the Centre to promote equal opportunities and to combat all forms of discrimination, exclusion, restriction or preference on the grounds of:

- 1° nationality, so-called race, skin colour, descent or national or ethnic origin;
- 2° sexual orientation, marital status, birth, wealth, age, belief or ideology, present or future state of health, handicap, political conviction, physical or genetic traits, or social origin."

The work the Centre does evolves in keeping with the current state and changes in our society. Thus the Centre has developed several ways and means of action.

- Welcome, listen, orientate and help

The Centre is questioned daily on matters of discrimination or situations in which the fundamental rights of foreigners on our territory are violated. The care with which the Centre addresses these requests on first contact is essential to further and adequate monitoring.

A great many of these requests for assistance are answered quickly by giving out information or referring people to other government services or associations. Other requests require more work: racist or homophobic attacks, conflicts between employers and employees, discrimination in the renting of a home, racist statements and inciting hatred on the Internet, ... In these situations the Centre's workers actively intervene and offer the victims concrete guidance. Hatred and discrimination are deviant behaviours. Disassociating one's self from hatred helps repair a broken social link. This is why the Centre prefers formulas for dialogue, negotiation, reconciliation and even mediation.

Table 1.2. Concrete activities, shows the complaints processing procedure.

Formulation of an individual request

By individual request we mean a request for information or assistance or a complaint. All of these elements may be present in one and the same request. The request need not be made in a particular form, i.e. the Centre can be contacted by telephone (exchange, direct number, green number), by fax, post, email (including complaints submitted via the form on the website), or in person (staff available in the Centre or local service, or by appointment) and on occasion the Centre itself will take the initiative. In the case of a complaint by telephone the Centre will normally ask that it be confirmed by letter, email or in the course of an interview.

Principle: an answer to every request

Exceptions: anonymous queries, clearly made-up or incoherent stories, offensive letters, repeated requests resembling harassment

The Centre is not authorised

Reasoned explanation and referral to the competent services or authorities:

- Administration;
- First or second line specialist (private or public) service;

- Police services;
- Lawyers (the Centrum does not recommend lawyers, but gives lists based on specialisation)

The Centre is authorized

Request for information

The Centre gives the information requested - where relevant a referral to a legal or social service for individual help.

Request for assistance

In theory the Centre does not intervene in individual administrative or judicial procedures. The Centre is not authorised to support or assist this type of case. It will, however, give its theoretical standpoint and non-confidential advice, to which the applicant may refer during procedures in progress. Where relevant it will give a referral to a legal or social service for individual help. Exceptions: the Centre regularly asks to be updated in a given case.

Complaint→

Investigation of a case

- Request for additional information, precise explanation, previous history, collected proofs, etc.
- Precise determination of the expectations of the complainant (what result will be satisfactory for him/her?)
- External steps (lawyer, witnesses, people or institutions in question, police, other services, etc.) approved by the complainant to obtain more information or an explanation.
- Explanation of the likely consequences for the complainant (possibly turning his/her attention to certain risks)

1. Complaint ungrounded

The reasoned decision is made over to the complainant.

2. Insufficient elements

The case is filed.

Not (sufficiently) proven and/or relevant information.

3. Reconciliation - Informal mediation

Contact is made with the person or authority under question.

A satisfactory solution is sought for the complainant.

4. Formal mediation

The Centre is seen as a neutral player deserving the trust of all parties. Mediation takes place under strict conditions known

to all. It implies an undertaking by the Centre not to appear in law in a conflict in which it has mediated.

5. Notification and drawing attention to the law

6. Opening of a case at law

Hierarchy, internal or external supervisory authorities, disciplinary authority.

7. Civil or criminal action

(relates only to the - Racism - and - Non racial discrimination - services) Simple complaint, civil action, direct summons or, in the civil sense, prohibitory injunction.

Legal powers Art. 3.

The Centre operates in complete independence. The Centre has the authority:

1° to undertake all research and studies required in the performance of its task;

(...)

9° to gather and disseminate statistical data and examples of jurisprudence which are of use in evaluating implementation of the aforementioned Act of 30 July 1981 and the Act of 25 February 2003 on the combating of discrimination and amending the Act of 15 February 1993 on the formation of a centre for equal opportunity and anti-racism, without identifying the parties involved.

International context

One of the conclusions of the ODIHR's report, Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives formulates the problem around data collection, i.e. the different classification of hate incidents throughout the member states of the Organisation for Security and Cooperation in Europe (OSCE).

The majority of the statistics report racially motivated incidents only.

In some states incidents motivated by xenophobia, ethnicity and origin are classified separately.

But in some states racially motivated incidents include matters resulting from discrimination on the basis of religion, ethnicity and xenophobia.

http://www.osce.org/publications/odihhr/2007/09/26296_931_en.pdf

5. Tasks to be accomplished

a. by the research team:

Main tasks

- An in-depth study (domain analysis, functional analyse and needs analysis) analysing the current situation and the institution's new IT needs.
- development of a file management system that meets the new needs of the institution (several contact points using the same file management system) and is conformant with the results of the aforementioned in-depth study;

In addition, the research team must

- provide the required scientific and technical support;
- help the centre validate the criteria to be used to develop a web-based databank/registration system, account taken of the requirements for a national and international reporting instrument;
- verify the anonymisation conditions for complaints;
- help set the accessibility conditions and criteria open to the public;
- develop an instrument for reliable (semi-)automated reporting:
 - o which offers support in classifying complaints and recording them in a user manual;
 - o which forms the basis for the annual report (stipulated by law); on the basis of the data recorded the Centre will have at its disposal a systematic overview of the number of complaints, the language, the geographic distribution, the nature of the complaint, the phases of the complaints process, referrals and the closing of files;
- provide facilities to process complaints in a more rational and effective manner;
- provide facilities to better demonstrate and resolve cases of discrimination in society;
- help the institution introduce comparable indicators at national and international level;
- develop an instrument that helps the institution provide useful information for people and institutions conducting research (sociological, legal or other).

b. By the public institution:

b.1. Prior to the project:

Evaluation of the current application, listing of requested figures on national and international reporting;

b.2. During the project:

provide continual domain expertise for the scientific research team, listing of indicators and their classification: what information has already been asked; what should be asked; what are the minimum data requirements; which data are superfluous to good file management and reporting; which categories can be used to ensure a proper classification of complaints; how precise should the categorisation be; which data are desirable and which are necessary.

6. Final product to be delivered:

a. By the research team:

A report on the in-depth study.

This report must contain the following components: domain analysis, functional analyse, needs analysis, EER diagram (Enhanced Entity Relationship) and conceptual databank plan.

A new integrated file management system.

The scientific team must describe the criteria to appear in the databank on the basis of the needs of the Centre and set up indicators to make it possible to compare data at the national and international level. During a six-month trial period the same team must monitor achievements and manage the new registration system.

b. For the public institution

A web-based databank/registration system which enables the geographically spread contact points to input the complaints using a unambiguous classification of the various grounds for discrimination and generate standard reports (anonymous data).

On completion of this project the Centre will have at its disposal a powerful databank of complaints which will also make it possible to provide accurate information for the purpose of research and statistics at the national and international level.

7. Valorisation of the end product

a. For the public institution: integration of the end product into its own way of working

The introduction of this databank will, on the one hand, make it possible to rationalise complaints management, and, on the other, serve as the basis for the annual report (stipulated by law), for collating statistics and formulating recommendations for governments with a view to improving the laws and regulations.

b. for the 'public': access conditions and modalities for scientific users and for the general public

This anonymised databank could prove extremely useful for people and institutions carrying out research (particularly sociological and legal) into the various grounds for discrimination under the Centre's authority. Setting up comparable indicators on a national and international scale will enable the Centre to play a pioneering role in the international arena.

8. Timing, planning and allocated budget

a. timing of the activities:

1 September 2008 – 28 February 2010 (18 months)

b. planning of the activities:

To be discussed with the scientific team.

9. Special conditions

a. Suggestions for the composition of the support committee:

- -Must contain at least two specialised legal experts;
- -Institute for the Equality of Men and Women;
- -High Council of Justice;
- -Central Social Security Databank;
- -Independent databank expert;

b. Clause of confidentiality and intellectual property:

Will be decided with the scientific team

c. Presence of the research team in the institution

Not required.