



# **NATIONAL ACTIVITY REPORT HUNGARY ANTI-DISCRIMINATION AND DIVERSITY TRAINING**

**Hungarian Helsinki Committee**

**May 2008**



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This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/public/pubst\\_en.htm#train](http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train)

The Anti-discrimination and Diversity training project was managed by Human European Consultancy ([humanconsultancy.com](http://humanconsultancy.com)) in consortium with the Migration Policy Group ([www.migpolgroup.com](http://www.migpolgroup.com)) and the International Society for Diversity Management – idm ([www.idm-diversity.org](http://www.idm-diversity.org)).

The national activities were carried out by the Hungarian Helsinki Committee ([www.helsinki.hu](http://www.helsinki.hu)).

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## II. Introduction

<b>Seminar</b>	<b>Venue</b>	<b>Participants</b>	<b>Number</b>
<b>AD Seminar</b>	Council of Europe, European Youth Centre	NGO and Trade Union representatives	42
<b>AD Follow Up Seminar</b>	Council of Europe, European Youth Centre	NGO and Trade Union representatives who attended former AD trainings in the framework of the project	33
<b>Diversity Management Seminar</b>	Council of Europe, European Youth Centre	Employers' representatives, HR experts, HR consultants	23

### **III. Anti-discrimination seminars**

#### **a) National activities anti-discrimination seminars**

##### **Design of the training**

The AD Seminar held in September 2007 was similar in its contents to the one organised in 2005, with the difference that this time participants from both NGO's and trade unions were invited. The AD Follow Up Seminar (held in January 2008) was a follow up session for participants who attended the training in either 2005 or 2007. Its design built upon the skills and knowledge acquired in the course of the first AD Seminar.

The AD Seminar was designed to support NGOs and trade unions in combating discrimination. When selecting participants, the Hungarian Helsinki Committee (hereinafter HHC) aimed at involving NGOs both from and outside the capital. Furthermore, we tried to identify organizations in a way that each five ground of discrimination would be represented, though Roma organizations were in a way prioritized. As for trade unions, the HHC targeted those with massive membership and aimed at involving trade unions representing the five main trade union associations of Hungary.

The report prepared and updated by the country expert (Situation of NGOs and Trade Unions dealing with anti-discrimination) provided an excellent overview of the targeted organisations, and greatly helped the organiser to identify the relevant audience.

The training manual developed during the 2005 training project was updated and tailor made to the needs of NGOs and trade unions.

The training manual for the seminars included:

- relevant national and international law
- fund raising opportunities for NGOs
- fora available for legal remedy
- case studies, supporting documents for the sensitization exercises
- presentations (e.g. the presentation of the Chair of the Equal Treatment Authority)

##### **Preparation of the seminars**

###### *Preparation of the AD Follow Up Seminar (new member states)*

The follow up seminar's program was designed to build upon the knowledge acquired at the earlier seminars. After exercises aimed at assisting the participants in recalling the legal elements of the previous seminars, the training program focused on more specialized legal issues and terms. A moot court exercise was developed to clarify the rules pertaining to *actio popularis* claims.

###### *Announcement of the seminar*

The HHC announced the first seminar on the websites of opinion leader NGOs (e.g. [www.helsinki.hu](http://www.helsinki.hu); [www.meosz.hu](http://www.meosz.hu)), on the five main trade union associations' site (e.g. [www.mszosz.hu](http://www.mszosz.hu); [www.szef.hu](http://www.szef.hu)), and on web pages targeting NGOs (i.e. [www.nonprofit.hu](http://www.nonprofit.hu)).

###### *Attracting and selecting participants*

Organizers recruited participants directly and indirectly. The announcement for the first AD Seminar was disseminated through numerous mailing lists, and was published on several websites ([www.helsinki.hu](http://www.helsinki.hu); [www.kurtlewin.hu](http://www.kurtlewin.hu); [www.nonprofit.hu](http://www.nonprofit.hu); etc). The HHC individually approached those organisations that had submitted their application too late for the first AD seminar back in 2005.

As for trade unions: the announcement was placed on the respective websites of the five biggest trade union associations. As low level of interest was shown by the trade union representatives, the HHC built up a database to increase the efficiency of recruiting.

In cooperation with the trade union associations more than hundred e-mails and letters were sent out, which were also followed by personal calls.

Since the AD Follow Up Seminar targeted only those who had already attended previous AD Seminars, the recruitment was much simpler. It included the updating of the data base of participating NGOs and trade unions, and approaching them individually.

#### *Logistical arrangements*

All of the trainings were hosted by the European Youth Center Budapest (EYCB), a hotel and conference facility situated in the most beautiful part of Budapest. The EYCB is a residential educational establishment of the Council of Europe. The venue proved to be a great choice: it is fully accessible (prior to the training, it was tested by an expert of MEOSZ – National Federation of Disabled Persons' Associations), well equipped, and provides pleasant conditions and atmosphere for the seminars. Organizers also managed to find enthusiastic and committed sign language interpreters, who also actively participated in the training program. According to the questionnaires, the vast majority of the participants was satisfied with the services provided by the venue.

#### **Carrying out the seminars**

##### *Ratio of participants (NGOs/trade unions)*

More than 90% of the participants represented NGOs at the AD Seminar, while all participants were delegated by NGO's at the AD Follow Up Seminar. The HHC did its best to recruit trade unions (see above), to no avail. The reason is that anti-discrimination is not a priority issue for Hungarian trade unions, which are still primarily engaged in “classic” trade union activities related to wage negotiations and dismissals. Even those trade union representatives failed to show up, who had sent back the application form and the confirmation one week before the AD Follow Up Seminar. This was due to an outbreak of a flu epidemic, which significantly contributed to the number of participants being relatively low (compared to the number of those who confirmed their participation briefly before the event took place)..

##### *Process during the day – observations (on trainers, participants, content)*

Being the second series of seminars of a similar nature, the organizing NGO had the opportunity to fine tune the program thus providing tailor made information for the participants meeting NGO's and trade unions' needs. The training consisted of two interrelated modules: one focusing on sensitization and the other on the national and international legal framework. The seminars also provided an excellent opportunity for intensive networking through team building exercises. Based on the needs assessment carried out prior to the Follow Up Seminar among participants of the earlier seminars, we reduced the time for team building exercises (this was also made possible by the fact that most of the participants already knew each other from the earlier occasions) and increased the proportion of legal knowledge-transfer and sensitization.

The participants were generally satisfied with the training program as it met and in certain regards even exceeded their expectations. The participants found the legal module the most useful. The trainers developed a complex case study for both seminars that generated an extensive debate among the participants. Even during the lunch break of the first AD Seminar participants were discussing the case of the obese employee dismissed from a shop specialized in selling erotic lingerie. The sensitizing exercises were also found useful considering mainly their networking effect. As a result, an e-mail list has been developed most immediately.

The HHC managed to attract the same trainers as for the previous training, all of them (according to the evaluation forms) possessed the necessary skills and expertise.

#### *Evaluation of the seminar*

According to replies given to the questionnaire distributed after the AD Seminar, the majority of the participants found the legal element extremely valuable. A great number of participants mentioned the networking effect to be useful for their daily work, and also mentioned that the training provided them with a good opportunity to clarify their role in combating discrimination. The participants also found the possibility to share their knowledge on project management and fund raising very useful. Some NGOs with similar membership/target groups decided to act in concert in the future, for instance by submitting joint proposals, and sharing human and financial resources.

The participants of the AD Follow Up Seminar were generally satisfied with the training program as it was designed on the basis of a detailed needs assessment and on the former experiences of the trainers and organizers. The average scores given by participants were above 4.5. According to the replies, the program provided a well proportioned mixture of team building, sensitizing and legal elements.

#### **Main lessons learned**

The need for anti discrimination trainings is on the rise parallel to the increasing commitment and consciousness of NGOs in Hungary. Almost all participants expressed their intention to participate in trainings of the same kind and to disseminate the acquired knowledge among their colleagues and partner organizations.

The high diversity of the activities and preparedness of the participating NGO's required the organizing NGO and the trainers to rely greatly on their creativity and experiences, for instance qualified lawyers who are familiar with the Equal Treatment Act, and apply it on a regular basis, obviously require different type of legal training than NGO representatives without a legal background.

The training filled a gap by providing a networking opportunity for NGOs combating discrimination. An e-mail list was developed and from time to time relevant issues are raised, for instance on the new legislation of hate speech or on individual cases. The organizing NGO provides legal support for the participants; just before the submission of the report, the HHC was asked to provide legal aid for a blind pupil of Roma origin who was not admitted to a specialized school.

To overcome the general languidity experienced by the organizing NGO, different approaches are necessary to attract trade union representatives, state organs and perhaps employers' representatives.

Basic seminar



**Follow up seminar**





## **b) Mapping exercise: NGOs/Trade Unions working to combat discrimination**

### **I. Profile of NGOs/trade unions working to combat discrimination**

#### **1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?**

##### NGO's

Generally it can be stated that the ground of discrimination NGOs work with determines the characteristics of the organizations.

People living with mental or physical disabilities and the elderly have the most well organized NGO networks. These networks have top lobby organizations that promote their interests on the national level, mostly with representation in formalized legislation preparation committees ("Life for the years" Nationwide Alliance, Nationwide Representation of Pensioners, Nationwide Lobby Alliance of the Mentally Retarded and their Helpers, Nationwide Alliance of Associations of People Living with Disabilities). For instance, the Board of Elderly Issues (Idősügyi Tanács; established in 1996) is a consultative partner of the central government. It prepares opinion papers and proposals concerning any draft bills or programs of the central government regarding the elderly. The chairman of the Board is the Prime Minister; half of the members are delegated by nationwide representative organizations of the elderly.

In the field of racial and ethnic discrimination, NGOs dealing with Roma issues are the most significant ones, since the Roma constitute the largest and most vulnerable ethnic minority in Hungary. Besides several legal aid offices (e.g. Legal Defence Bureau for National and Ethnic Minorities, Association of Roma Women in Public Life), there are a couple of central organizations (such as Roma Parliament of Hungary, Roma Civic Right Foundation) that hold regional NGOs together. The Roma Press Centre focuses on the representation and appearance of the Roma in the media.

In relation to discrimination based on religion and belief, Jewish associations have to be mentioned. They deal with anti-Semitic discourse (e.g. B'nai B'rith Jewish Documentary Centre). (It may be argued though that their activity is more related to racial and ethnic discrimination, as modern-time anti-Semitism is rather a racially than a religiously based ideology.)

The number of NGOs working to combat discrimination based on sexual orientation is minimal, there is one specific legal aid association (Háttér Support Society for Lesbian, Gay, Bisexual and Transsexual People), while the other ones deal with women's and children's rights as well (Habeas Corpus Workteam). Most associations could be rather defined as self-help groups (Labrisz Lesbian Association).

##### Trade unions

There are six national alliances of trade unions in Hungary:

- the National Alliance of Hungarian Trade Unions (MSZOSZ);
- the Cooperation Forum of Trade Unions (SZEF);
- the Association of the Trade Unions of Intellectuals (ÉSZT);
- League Trade Unions (Liga)
- the Alliance of Autonomous Trade Unions (ASZSZ)
- the National Alliance of Workers' Councils (MOSZ)

The distribution of labour between these alliances is not based on the sector in which the different trade unions operate. In a number of sectors (e.g. education) there are more than one competing trade unions, these usually belong to different national alliances.

To some very limited extent, all these alliances (and most of their member unions) deal with anti-discrimination issues.

**2. What ground(s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?**

NGO's

As it was pointed out above, there is a certain distribution of work among NGOs, and it is based on the ground of discrimination. Four of the five grounds are covered, although NGOs working with the different grounds differ in their characteristics. NGOs dealing with issues concerning the disabled and the elderly are the most well-organized. The degree of being organized and the number of Roma NGOs (and NGOs dealing with issues of racial and ethnic discrimination) have also been on the rise, while there are still only few NGOs promoting the rights of homosexuals.

Practically no NGOs work in the field of discrimination based on religion or belief. Apart from legislative attempts to favour the so-called "historical" churches vis a vis smaller denominations, religious discrimination is not an eminent issue in Hungary. Accounts of the discrimination of individuals based on their religion or belief are very rare. Consequently, NGOs are not organized around this issue. The Hungarian member of the expert network of the organization Human Rights Without Frontiers raises his voice from time to time against the institutional discrimination of small churches, but this is an individual effort not accompanied by NGO activity. As it was pointed out above, Jewish NGOs also deal with analysing anti-Semitic public discourse (B'nai B'rith Jewish Documentary Centre), this discourse however is not based on religion but on an assumed racial affiliation, so this activity may as well fall under the category of "race or ethnic origin". We however will refer to them as NGOs dealing with religious discrimination.

Trade unions

All the interviewed trade unions have responded that issues related to gender equality constitute the bulk of their anti-discrimination work. The Women's Unit of the largest national alliance, MSZOSZ is reported to be very active in relation to the equality of men and women.

**3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?**

NGO's

Again, the ground of discrimination defines the activities of an NGO. Generally the main goal of these NGOs is to have their target group integrated into wider society as much as possible. For this aim, each NGO has different means, but it can be stated that generally anti-discrimination a very significant area of their work.

Trade unions

All interviewed trade unions claimed that anti-discrimination is only a very small part of what they and generally trade unions do.

**4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?**

NGO's

Almost all NGOs questioned are registered on the national level, either as top lobby organizations of a network ("Life for the years" Nationwide Alliance, Nationwide Representation of Pensioners, Nationwide Lobby Alliance of Mentally Retarded and their Helpers, Nationwide Alliance of Associations of People Living with Disabilities) or as a single organization (for instance B'nai B'rith Jewish Documentary Centre, Háttér Support Society)

It is relatively easy to register as an NGO in Hungary. Under Act II of 1989 on the Right to Association, an NGO may be founded for any activity that is in harmony with the Constitution and is not against the law. In order to found an NGO, at least ten members shall announce the foundation of the NGO, they shall establish the NGO's statute and elect its central organ and representative(s). After the NGO is founded, its representative(s) shall request its registration by the competent Court. Under the law, the Court may not deny the registration of the NGO if the NGO meets the above requirements.

Despite this fact, some interviewed NGOs complained that since the time of the transition there have been numerous restrictions in this field, especially restrictions in taxation of foundations and associations (e.g. in 1991 in-kind donations lost their tax allowance).

Trade unions

The same rules of formation and registration apply to trade unions as to NGOs. All the interviewed trade unions claimed that it is easy to register a trade union. One of the respondents (Trade Union of Commercial Employees) claimed that not the formal rules of registration, but the hostility of employers poses the most serious problem.

**5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)**

NGO's

The size of these NGOs varies on a wide range. Generally besides a minimal number of paid employees working in the office, there are several association members and volunteers (from a dozen to a few hundred) in a number of NGOs.

The largest organizations are the nationwide lobby NGOs of people living with disabilities and of the elderly. Although each such NGO has at least a hundred of volunteers, the number of paid employees is minimal and usually they work as administrative staff. For example, both pensioners' lobby organizations interviewed have one (!) full-time employee, while the number of volunteers is around 150.

All Roma legal aid offices have permanent lawyers and administrative staff. Top lobby organizations also operate with a large number of volunteers (Roma Civil Rights Foundation, Roma Parliament of Hungary).

NGOs working with sexual orientation and religion-based discrimination hardly have any paid employees; some do not even have an office (for example Labrisz Lesbian Association).

Trade unions

The number of the members of the responding trade unions varies between 4,000 and 20,000.

## **6. Are they part of larger national networks? Or are they working on their own?**

### NGO's

As already mentioned above, people living with disabilities and the elderly have very well organized networks. Top lobby organizations hold together smaller local and regional NGOs (elderly organizations' networks consist of about 1,000 Pensioners' Clubs, and 19 county boards).

Central Roma NGOs also function as top organizations of wider networks. Legal aid organizations usually cooperate with similar associations or foundations.

NGOs in the field of sexual orientation and religion-based discrimination do not belong to permanent networks, but they have ad hoc cooperation.

### Trade unions

As it was pointed out above, all Hungarian trade unions are members of one of the six national trade union alliances.

## **7. Are they mainly based in the Capital or spread out in the country?**

### NGO's

All national NGOs are based in the capital. They are either top lobby organizations of regional NGOs (in the case of the Roma, the elderly and the disabled) or there are no regional organizations. In the case of Jewish associations and NGOs dealing with sexual orientation there are no permanent national networks.

### Trade unions

All national alliances are seated in the capital, and so are most of the member unions (most of which are also national organisations). Only few of the member unions (mainly those of employees of regional companies or sectors) are based in Hungary's bigger cities outside the capital.

National alliances as well as bigger national unions (from among the respondents: the Trade Union of Railway Employees, Trade Union of Food Industry Employees and the Trade Union of Commercial Employees) operate in the whole country through their regional, county-based or local offices or representatives.

## **8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?**

### NGO's

Besides dealing with issues regarding the capital, some NGOs also function as top lobby organizations of domestic networks. These NGOs represent their community on a higher level ("Life for the years" Nationwide Alliance, Nationwide Representation of Pensioners, Nationwide Lobby Alliance of Mentally Retarded and their Helpers, Nationwide Alliance of Associations of People Living with Disabilities, Roma Parliament of Hungary, Roma Civil Rights Foundation).

In the case of smaller organizations, such as NGOs working to combat discrimination based on sexual orientation and religion/belief, they are the only national organization (Háttér Support Society, Labrisz Lesbian Association, Habeas Corpus Workteam, B'nai B'rith Jewish Documentary Centre). Of course numerous NGOs exist throughout the country, but their activity is usually different – they focus on their local communities and mostly function as local "clubs".

### Trade unions

As it was pointed out there are very few trade unions that are organised regionally. Most of the unions are national ones, so this distinction is not applicable.

**9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)**

NGO's

The answer to this question varies to a great extent depending on a number of factors. As to NGOs working on the national level, it can be said that their political and societal weight has increased in the past years. There is an increasing tendency on the side of the Government to approach larger NGOs and ask for their comments whenever a legislative draft is prepared in their respective fields. This was the case for instance with respect to the drafting of the Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Equal Treatment Act, hereafter: ETA), which now expressly contains an obligation for the Government to consult NGO's working in the field of non-discrimination before appointing members of the Equal Treatment Advisory Board (an advisory body set up to assist Hungary's equality body, the Equal Treatment Authority).

Through the increasingly efficient use of modern communication methods, larger NGO's have also been able to raise public awareness with regard to their respective focus areas and play an agenda setting role. Examples include the referendum one of the responding NGO's (Legal Protection Organisation of the Mentally Disabled and their Families) launched into the issue of low fees the State pays to relatives who take round-the-clock care of their disabled family members, or the *actio popularis* lawsuits brought by the Chance for Children Foundation against different local councils maintaining segregated schools or classes for Roma pupils.

On the local level, a lot depends on the personal relations between the NGO and the leadership of the municipal authorities. Some of the respondents claimed that no matter how they try, they have not been able to make a real impact (e.g. Nashiba Foundation), others (e.g. Szekszárd Foundation for Equal Opportunities) regard their efforts in this direction as successful.

Trade unions

All the responding trade unions are of the opinion that they can make an impact, since the Government and/or the organisations of employers take their views into account when making decisions concerning their respective fields. One interviewed union (Trade Union of Food Industry Employees) replied that only through the national trade union alliance they belong to, are they able to influence the decision making process.

**10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)**

NGO's

As already mentioned, there are several networks of NGOs that are organized hierarchically. This is typical of the lobby organizations of the disabled and the elderly, as well as some Roma NGOs. Besides these permanent networks, ad hoc cooperation is significant amongst smaller NGOs (such as sexual orientation and religion based discrimination NGOs).

Trade unions

While cooperation between trade unions is frequent, the responding trade unions reported that cooperation with NGO's is insignificant, or even practically non-existent.

**a. For what purpose(s)? (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)**

NGO's

Cooperation concerning public awareness raising campaigns (e.g. between Háttér Support Society, Habeas Corpus Workteam and Labrisz Lesbian Association: campaign at the Sziget Festival, "Stop discrimination!" campaign of the European Union, Gay and Lesbian Festival) and cultural events

(e. g. between B'nai B'rith Jewish Documentary Centre and Cultural Association of Hungarian Jews) is usual amongst medium and small size NGOs.

NGOs working in the same field of anti-discrimination also occasionally cooperate in sending petitions, proposals and motions to the central government and to specialized bodies. This is however not restricted to NGOs working with the same ground: for instance, the Hungarian Helsinki Committee and the gay organization Háttér Support Society submitted to the Ministry of Justice joint opinions on the subsequent draft bills of the Hungarian anti-discrimination law throughout the legislative process.

We also find examples of joint reports addressed to international forums (e.g. the joint shadow report submitted in 2002 by the Hungarian Helsinki Committee and the Roma Press Centre submitted to the United Nations Committee on the Elimination of Racial Discrimination).

#### Trade unions

The cooperation of trade unions during wage negotiations and in other employment related issues (such as the organisation of strikes) was brought up most frequently. One of the responding unions also mentioned joint trainings and other joint events.

#### ***b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?***

##### NGO's

As the NGOs representing disabled and elderly persons are top organizations of national networks, we may say that cooperation in these areas is stronger. A greater degree of collaboration in issues concerning the Roma may also be observed occasionally, however, personal conflicts between leaders often hinder effective cooperation with regard to this ground.

##### Trade unions

Gender was mentioned as the ground with regard to which there is a relatively high degree of cooperation between trade unions and within the national alliances. Other grounds appear to be neglected.

### **11. How are these NGOs funded?**

#### ***a. Do they receive state funding?***

Most NGOs receive state funding through tenders, but such funding is mostly sporadic. The National Civil Fund ("Nemzeti Civil Alapprogram") was created by Act L of 2003 in order to distribute appropriations from the central budget among actors of the third sector. Regional and professional boards invite tenders and make the final decision between applicant NGOs. The 5-11 member boards are established by the competent Ministry in a way that one member is appointed by the Minister, and the other members are elected by electoral bodies consisting of NGO representatives. Supports vary between HUF 2-10 million (€ 8,000-40000).

#### ***b. What are the conditions in order to receive public funding?***

In order to receive state funding, applications have to meet formal criteria (outlined in detail by Government Decree 160/2003) and conditions concerning the content and effects of the project (as defined by the particular regional or professional board calling for applications). The key formal condition (set forth by Act L of 2003) is that those NGOs can apply which – at the time of publishing the call for tender – have been registered for at least one year and are actually operational.

The National Civil Fund offers support for different types of activities. Most of these activities are only available for NGOs that are legally recognized as "public benefit" organizations or "particularly public benefit" organizations under Act CLVI of 1997 on Public Benefit Organizations.

(Public benefit activities are those activities aimed at the satisfaction of the common needs of society and the individual which are listed in the Act). However, operational support is also available for NGOs that do not have this status.

**c. Do they also receive/apply for private funding?**

Soros Foundation and the Open Society Institute used to be the main financial supporters of Hungarian NGOs, but they have been constantly reducing their contributions. Most NGOs have for long been supported by different entities (foundations, NGOs, Governmental agencies, international organizations) seated in foreign countries or by foreign embassies. (E.g. INDOK Human Rights Documentation Centre: Dutch Ministry of Foreign Affairs and Dutch Helsinki Committee; NEKI, Legal Defence Bureau for National and Ethnic Minorities: The Ford Foundation, Dutch, British, Canadian and Swiss embassies; Hungarian Helsinki Committee: UN High Commissioner for Refugees, Dutch Foreign Ministry, Dutch and British embassies). Amounts available from these sources of funding have decreased radically parallel to Hungary's accessing the EU. The NGOs are therefore now in the progress of transforming their structure of financing with increasing emphasis on funding available in the framework of European Union programs.

Associations receive registration fees from their members. NGOs can receive 1 per cent of the yearly tax of individuals. Besides this, individual donation is rare, and usually comes from clients of NGOs with legal aid services (for example: Habeas Corpus Workteam, Legal Defence Bureau for National and Ethnic Minorities).

Jewish NGOs receive regular support from the Alliance of the Jewish Communities of Hungary (MAZSIHISZ).

**d. Do private funders impose any restrictions or conditions?**

For receiving support from institutionalized sources (i.e. foundations, foreign embassies, governmental agencies, international organizations), the applying organizations and the applications have to meet very strict formal and professional criteria.

Individuals giving donations usually do not impose any restrictions.

**12. How are these trade unions funded?**

**a. Do they receive state funding? (Generally speaking do trade unions receive state funding?)**

Some unions do not receive state funding (Trade Union of Railway Employees, Trade Union of Commercial Employees), others receive funding from the central fund established for the national alliances of trade unions.

**b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?**

Five of the national trade union alliances have expressly stated their independence from political parties. Political independence is also declared in the statutes of the individual unions. Neither of the responding unions receive any funding from political parties.

**c. Do they function only/also with their members' fees?**

One of the responding unions (Trade Union of Commercial Employees) is funded entirely from members' fees, while fees also play an important role in the funding of other respondents (amounting to 70-90% of the unions' income).

**d. Are they able to receive private funding and/or participate in project funded by European/international institutions?**

Some unions do participate in projects to secure funding (e.g. Trade Union of Railway Employees, Trade Union of Commercial Employees), while the Trade Union of Science and Innovation Employees mentioned that their office space is provided by the Hungarian Academy of Science.

**13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?**

NGO's

All NGOs agreed that the lack of funding determines the efficiency of their work. With more financial support, NGOs could broaden the scale of their activities and employ more permanent staff. For elaboration on the problems of project-based funding, see Section 40.

Trade unions

The answers to this question varied greatly. Some believe that funding is a determining factor, others denied this. An interesting connection between size and funding was revealed by the Trade Union of Commercial Employees, which claimed that they are too big to receive state funding but too small to be able to pay the own contribution that would be necessary for grant applications.

**14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?**

**a. Neighbouring countries?**

NGO's

Many NGOs are in contact with similar organizations from neighbouring countries ("Life for the years" Nationwide Alliance, Nationwide Representation of Pensioners, B'nai B'rith Jewish Documentary Centre, Labrisz Lesbian Association), but Roma organizations have the strongest relations (Roma Press Centre, Association of Roma Women in Public Life).

Trade unions

All the responding trade unions cooperate with trade unions in the neighbouring countries.

**b. Other new EU Member States?**

NGO's

Most NGOs are part of European networks. Both elderly/pensioner lobbies interviewed are part of the PERPA-EURAG network. NGOs dealing with discrimination based on sexual orientation are members of ILGA.

Trade unions

Most trade unions have links with unions in not only the neighbouring countries, but also in other new EU states.

**c. Others?**

NGO's

B'nai B'rith Documentary Centre and Cultural Association of Hungarian Jews are in connection with similar organizations in the United States and in Canada. Háttér Support Society is in connection with Milwaukee State University, US.

Trade unions

Connections with trade unions in other countries are not characteristic of the responding unions.

## **15. Do they work on the international level (campaigning, case work, other)**

### NGO's

Although many NGOs are part of international networks and occasionally attend international conferences, rarely do they work on international level. Háttér Support Society works together with Milwaukee State University on a HIV/AIDS prevention program, while Habeas Corpus Workteam took part in European Union's "Stop Discrimination!" campaign. The Hungarian Helsinki Committee regularly submits shadow reports to international forums (CPT, CAT, Advisory Board of the Framework Convention, CERD, ECRI) and – through its contracted lawyers – occasionally submits applications to the European Court of Human Rights. The Legal Defence Bureau for National and Ethnic Minorities also takes cases to Strasbourg.

### Trade unions

Most of the responding unions work on the international level. International campaigns (Trade Union of Railway Employees) and regular meetings (Trade Union of Science and Innovation Employees) were mentioned as forms of cooperation. The Trade Union of Railway Employees is a member of the European Transport Workers' Federation.

## **16. Can they work in English?**

### NGO's

A greater proportion of anti-discrimination NGOs can work in English, which is necessary in applying for European Union's grants. However, most Roma organizations lack a sufficient command of English, which excludes them from international cooperation and grants (Association of Roma Women in Public Life).

### Trade unions

Most of the responding unions can and do work in English (which is also made necessary by their international contacts).

## **17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?**

Not applicable due to lack of established links with political parties.

## **18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?**

Replies to this question were varied. Some respondents claimed that independent anti-discrimination work was possible for the branches (Trade Union of Railway Employees, Trade Union of Science and Innovation Employees), others said this was not the case (e.g. Trade Union of Commercial Employees)

## **II. Expertise of NGOs/trade unions working to combat discrimination**

### **19. What kind of work do they do?**

#### NGO's

NGOs working to combat discrimination have a wide range of activities, depending on the NGO's target group and size.

The main activity of national NGOs of people living with disabilities and of the elderly is defence of their target group's interests on the national level (Nationwide Lobby Alliance of Mentally Retarded and their Helpers, Nationwide Alliance of Associations of People Living with Disabilities, "Life for the years" Nationwide Alliance, Nationwide Representation of Pensioners). This means that they are directly represented in legislation preparation (see above under Section 1). They also write legislative and policy proposals. Each organization has several cultural events and publications as well.

Many of the Roma NGOs provide legal representation for their clients (Legal Defence Bureau for National and Ethnic Minorities, Association of Roma Women in Public Life, Roma Parliament of Hungary, Roma Civil Rights Foundation). Generally they also have other activities such as: writing legislation proposals; raising public awareness; providing information on specific topics; representation of clients in administrative procedures; organizing cultural events and protecting cultural heritage; organizing trainings and conferences; giving scholarships to talented Roma students; developing enterprises.

Jewish organizations mainly work for protection of cultural heritage (Cultural Association of Hungarian Jews) and fight against anti-Semitic discourse (B'nai B'rith Jewish Documentary Centre). They have regular publications and cultural events.

In the field of sexual orientation, two NGOs provide legal representation (Háttér Support Society and Habeas Corpus Workteam); the other organizations can be rather considered as self-help groups (Labrisz Lesbian Association), also offering cultural events and psychological advice, as well as advice on HIV/AIDS prevention.

#### Trade unions

As it was pointed out above, anti-discrimination work is only a very small part of the activities of trade unions. It is mostly restricted to provide the few individual victims seeking assistance from the union with some form of legal assistance (advice or legal representation).

## **20. Do they take up complaints of discrimination?**

#### NGO's

Only those NGOs take up complaints of discrimination that directly provide legal representation (Nationwide Lobby Alliance of Mentally Retarded and their Helpers, Legal Defence Bureau for National and Ethnic Minorities, Roma Civil Rights Foundation, Roma Parliament of Hungary, Association of Roma Women in Public Life, Háttér Support Society, Habeas Corpus Workteam). Their lawyers first make a case study and then if discrimination is established, they represent the victim in front of the court.

B'nai B'rith Jewish Documentary Centre also takes up complaints of discrimination and offers legal aid if necessary, although it is not their primary activity. The Cultural Association of Hungarian Jews does not take up complaints.

Most top lobby organizations ("Life for the years" Nationwide Alliance, Nationwide Representation of Pensioners, Nationwide Alliance of Associations of People Living with Disabilities) and smaller NGOs (Labrisz Lesbian Association) that do not have legal aid services, usually redirect clients to other NGOs that provide legal assistance.

#### Trade unions

Most responding unions stated that if approached by the victim, they take up complaints of discrimination, but this happens very rarely. The Trade Union of Science and Innovation Employees reported that they have never had a complaint of discrimination.

## **21. Do they focus on their own community?**

### NGO's

Generally NGOs working in the field of anti-discrimination focus on their own community. National NGOs of people living with disabilities also represent the interests of the families and all employees working with disabled people (Nationwide Lobby Alliance of Mentally Retarded and their Helpers). In the field of discrimination based on sexual orientation, certain NGOs work for the protection of women's and children's rights as well (Habeas Corpus Workteam).

Naturally, certain activities (e.g. raising public awareness) may target discrimination in a wider context, but the main focus is mostly restricted to the immediate target group.

### Trade unions

Most unions reported that they only deal with the complaints of their members. The Trade Union of Commercial Employees stated that if approached, they also provide other employees of the sector with assistance (this however may not include legal representation, as under the Hungarian laws, trade unions may only provide that service to their members).

## **22. Do they work with victims directly?**

### NGO's

Most NGOs questioned work with victims of discrimination directly. In the field of sexual orientation, all NGOs work with victims directly. Most Roma organizations do as well, except for the Roma Press Centre.

Nationwide lobby NGOs of the elderly do not work with victims directly, there are local/regional NGOs to perform this work.

The Nationwide Lobby Alliance of Mentally Retarded and their Helpers, one of the two top lobby organizations questioned, works with their victims directly, too.

B'nai B'rith Jewish Documentary Centre works with victims of anti-Semitism if necessary, but it is only a small part of their activity. The Cultural Association of Hungarian Jews does not work with victims at all.

### Trade unions

Through their legal aid services, trade unions do work with victims directly.

## **23. Within the company, can trade unions represent only their members or any worker?**

Strictly speaking (in terms of Act IV of 1959 on the Civil Code and Act XXII of 1992 on the Labour Code), legal representation by trade unions may only be provided to members, however, all responding unions emphasised that through wage negotiations and the system of collective contracts they protect the interests of all workers employed in their respective sector.

The Trade Union of Commercial Employees reported that they also provide legal advice to non-members, but under the laws in effect, they may not provide legal representations to workers who are not members. In other unions, the legal aid service (advice as well as representation) is only available for members.

## **24. Do they do 'case work'?**

### NGO's

All NGOs that have legal aid services do "case work". When the NGO receives a complaint of discrimination, it has to investigate the circumstances and find evidence of actual discrimination.

If discrimination is established, the NGO will provide the victim with representation throughout the legal proceedings.

In the field of racial discrimination, some NGOs with legal aid services (e. g. Legal Defence Bureau for National and Ethnic Minorities) use the so-called “testing method” to provide evidence of discrimination.

#### Trade unions

Legal aid services of trade unions do legal case work, i.e. they provide the members requesting help with legal representation in the necessary legal proceedings. Other forms of case work are not typical.

### **25. Are they able to access state funding for casework?**

#### NGO's

None of the responding NGO's receive state funding for case work. It needs to be pointed out that the existing framework does not in any way exclude that state funding (e.g. support from the National Civil Fund – see Section 11) be spent on case work. One of the interviewed NGO's (Legal Protection Organisation of the Mentally Disabled and their Families) for instance claimed that the reason why they have not applied for state funding to cover the costs of case work is that in a number of instances they need to act vis a vis state authorities, and therefore they do not wish to be dependent on the state in any way.

#### Trade unions

None of the responding trade unions receive state funding for case work.

### **26. Does this include legal representation?**

#### NGO's

As it was mentioned above, legal representation is the primary form of case work done by the interviewed NGOs. Only some of them (e.g. Labrisz Lesbian Association, Háttér Support Society) provide other forms of help (such as psychological advice). For more details see Section 29.

#### Trade unions

As it was mentioned above, legal representation is the primary form of case work done by the interviewed trade unions.

### **27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?**

#### NGO's

Before the coming into force of the ETA in January 2004, Hungarian law did not fully guarantee the right of associations, organizations or other legal entities with a legitimate interest to engage, either on behalf or in support of victims of discrimination in judicial or administrative procedures. Therefore, NGOs with legal aid services concluded permanent contracts with lawyers who were willing to deal with cases of discrimination. Formally, not the NGO but the lawyer provided legal representation (based on a retainer given by the victim of discrimination), in fact however, the lawyer was paid by the NGO, so his/her services were free for the client.

The ETA has brought some important changes: any social and interest representation organisation may engage on behalf of the victim in proceedings initiated due to the infringement of the requirement of equal treatment. Furthermore, social and interest representation organisations are entitled to the rights of the concerned party in administrative proceedings.

(A “social and interest representation organisation” under the ETA means any social organisation or foundation whose objectives set out in its articles of association or statutes include the promotion of equal social opportunities of disadvantaged groups or the protection of human rights; and, in respect of a particular national and ethnic minority, the minority self-government; furthermore the trade union in respect of matters related to employees’ financial, social and cultural situation and living and working conditions.)

Despite these new possibilities, the above outlined structure (providing aid and representation through contracted lawyers) is likely to continue to prevail.

#### Trade unions

Trade unions have been authorized by Act III of 1952 on the Code of Civil procedure to act as representatives in the civil lawsuits of their own members since 1980.

As it was set out above, with regard to matters related to employees’ financial, social and cultural situation and living and working conditions, the ETA regards trade unions as social and interest representation organisations, and therefore authorises them to act on behalf of the victim in any proceeding initiated due to the infringement of the requirement of equal treatment. Similarly, trade unions are also entitled to the rights of the concerned party in administrative proceedings related to equal treatment.

#### **28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?**

##### NGO’s

Class action is not allowed in Hungary, however *actio popularis* claims are made possible by the ETA: if the principle of equal treatment is violated or there is a direct danger thereof, a lawsuit for the infringement of inherent rights or a labour lawsuit may be brought by any social and interest representation organisation, provided that the violation of the principle of equal treatment or the direct danger thereof was based on a characteristic that is an essential feature of the individual, and the violation affects a larger group of persons that cannot be determined accurately. A social and interest representation organization may – if the above conditions prevail – also choose to launch a proceeding before the Equal Treatment Authority.

##### Trade unions

Since with regard to matters related to employees’ financial, social and cultural situation and living and working conditions, the ETA regards trade unions as social and interest representation organisations, unions are also entitled by the ETA to launch *actio popularis* claims in connection with discrimination concerning these matters.

#### **29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)**

##### NGO’s

Some Roma NGOs offer scholarship for university students (Roma Civil Rights Foundation, Roma Press Centre), while NGOs of elderly/pensioners offer social assistance for domestic holidays. Association of Roma Women in Public Life is specialized in developing enterprises of their clients. Labrisz Lesbian Association and Háttér Support Society provide psychological assistance and HIV/AIDS information.

##### Trade unions

None of the interviewed unions provide any assistance other than legal aid.

### **30. Do they advocate changes in legislation and policies?**

#### NGO's

All NGOs with legal aid and representation service and all nationwide lobbies of people living with disabilities and of the elderly play an active and significant role in advocating their communities interests in legislation. These NGOs regularly send proposals to the central government and other specified bodies.

For instance, some of the interviewed NGOs (Hungarian Helsinki Committee, Háttér Support Society, Roma Civil Rights Foundation) submitted comments to the concept paper and drafts of the ETA

The activity of smaller NGOs' (such as Labrisz Lesbian Association) does not include advocacy in legislation and policies. Advocacy in legislation is characteristic of NGOs operating legal aid services: partly because their lawyers have the necessary qualifications and skills to participate in such activities and partly because in the course of their legal aid activities they are faced with the weaknesses and shortcomings of the legal framework.

#### Trade unions

All interviewed trade unions advocate changes in legislation and policies, but not in connection with the non-discrimination field (for instance, additional payment for work performed on Sunday was mentioned by the Trade Union of Commercial Employees as an example of such lobbying activities).

### **31. What are their relations with the central government?**

#### NGO's

Some of the NGOs are very active in writing policy and legislative proposals. Most of them mentioned as a serious problem that the status and prestige of NGOs is lower than it should be. Therefore, the central government often does not treat them as equal partners, and their proposals remain unanswered.

#### Trade unions

Answers to this question were greatly varied. Some unions claim to have a good relationship with the Government (e.g. Trade Union of Food Industry Employees), others mention a regular but formal relation (Trade Union of Science and Innovation Employees). The Trade Union of Railway Employees mentioned that they had recently received a promise of regular two-monthly discussions with the competent Ministry, while the Trade Union of Commercial Employees described their relations with the Government as "reserved".

### **32. With regional governments or municipalities?**

#### NGO's

Most NGOs with legal aid services are in relation with regional governments and municipalities. This relation is however often based on conflicts, as most Roma NGOs come into contact with local governments while representing their clients in housing cases and other social matters – often vis a vis the local governments. There is cooperation between Roma NGOs and Roma minority self-governments.

#### Trade unions

Most of the responding unions have no or very limited relations with municipalities.

### **33. For the trade unions, with the employers organisations?**

The replies to this question again showed great diversity. Some unions claimed that their relations are fair or even good (Trade Union of Commercial Employees, Trade Union of Science and Innovation Employees), others described it as "difficult" (Trade Union of Food Industry Employees).

#### **34. Do they have relations with the specialised bodies/ombudsman?**

##### NGO's

Most NGOs working in the field of anti-discrimination regularly turn to the ombudsman. Roma legal aid offices and lobby organizations are in regular contacts with the Parliamentary Commissioner of National and Ethnic Minority Rights (Minorities Ombudsman).

Since its establishment, the Equal Treatment Authority (Hungary's equality body) has been quite active in the dialogue with NGOs. Its President and other staff members have participated in several NGO forums and trainings disseminating information about the Authority's work and practices, and trying to establish contacts with NGO representatives.

##### Trade unions

The trade unions' relations with these organizations are not too close. Some said that there were no or only very limited contacts (Trade Union of Railway Employees, Trade Union of Food Industry Employees), others reported some degree of cooperation. The Trade Union of Science and Innovation Employees and the Trade Union of Commercial Employees have claimed that there are occasional meetings and consultations, although they have never turned to these organisations in connection with individual cases.

#### **35. What are the qualifications of the staff?**

##### NGO's

At all the NGOs questioned, a great proportion of staff members have college or university degrees. At NGOs maintaining legal aid services, obviously lawyers are included. These attorneys are formally independent (as attorneys may not be employees in Hungary), however, through their permanent contracts often function as staff attorneys with a restricted private practice. Members of the administrative staff are generally at least graduated from secondary school.

##### Trade unions

A great proportion of staff members have college or university degrees, others have secondary education.

#### **36. What training has the staff had in relation to anti-discrimination work?**

##### NGO's

As mentioned above, at most NGO some of the staff members are lawyers, who are sufficiently trained in relation to anti-discrimination work (at least to domestic anti-discrimination legislation).

In some NGOs these lawyers hold trainings for volunteers (Háttér Support Society). Lawyers of the Habeas Corpus Workteam held trainings together with activists of the NANE Women's Rights Association and took part in international trainings as well.

Human Rights Information and Documentary Centre (INDOK) is an NGO specialized – among other things – in training legal defence organizations.

Most NGOs of the elderly and people living with disabilities did not give account of any anti-discrimination specific training. Some Roma NGOs mentioned the same problem, although the number of training opportunities targeted at NGO activists is on the rise.

##### Trade unions

Some unions responded that the personnel does not get any discrimination-related trainings, others (e.g. the Trade Union of Railway Employees and the Trade Union of Commercial Employees) stated that in the framework of the general training their staff members get (e.g. training on the Labour Code), information is also provided to them on anti-discrimination issues.

### **37. Are they trained in writing funding proposals and reporting?**

#### NGO's

Less than half of the interviewed NGOs took part in fundraising trainings (some Roma NGOs and all NGOs dealing with discrimination based on sexual orientation and disability). Jewish associations and nationwide lobbies of the elderly have not been trained in writing funding proposals and reporting.

#### Trade unions

Most responding trade unions claimed that such training is provided to staff members. In smaller unions, only one or two persons in the organisation are trained in fund raising.

### **38. How do they evaluate their success and the quality of their anti-discrimination work?**

#### NGO's

General evaluation techniques vary from weekly-monthly staff meetings (lobby organizations of the elderly and the disabled) to yearly three-day-long evaluation workshops (Háttér Support Society). Frequency of evaluation depends on the size of the NGO. Most organizations have yearly strategic plans against which they can measure their achievement at the end of the year. In the case of legal aid offices, the proportion of successful cases is an indicator of their efficiency. At all NGOs questioned, evaluation is more frequent when having specific projects or programs.

#### Trade unions

All the responding unions expressed the view that the anti-discrimination work of trade unions leaves very much to be desired. They claimed that the struggle for survival, for recruiting new members and keeping the old ones, and the efforts to keep their positions vis a vis employers, prevent them from realising the importance of the issue. Another negative factor is that the level of awareness among employees is low, and they often do not even realise that their right to equal treatment has been violated. Consequently, very few workers turn to trade unions for protection in discrimination cases.

## **III. Needs and problems of NGOs/trade unions working to combat discrimination**

### **39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?**

#### NGO's

Besides the lack of funding, the lack of information on available remedies and possibilities was mentioned by several NGOs as the main problem. Certain NGO's pointed out problems specific to their respective target groups. For instance, the Legal Protection Organisation of the Mentally Disabled and their Families mentioned the lack of political weight of the target group (mentally disabled persons under guardianship do not have the right to vote), which, in their view, renders their attempts to gain political support for their objectives unsuccessful. The National Alliance of Deaf Persons and People with Hearing Difficulties pointed out that their work is made extremely difficult by the almost complete lack of information the public has about people with this type of disability.

#### Trade unions

Referring to the fact that anti-discrimination work is very limited or even non-existent, no specific problems were identified by the interviewed trade unions.

### **40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?**

#### NGO's

All interviewed NGOs agreed that funding is the main problem they face during anti-discrimination work. Lack of funding or not sufficient funding determines the scale of activities, number of employees and training opportunities.

Another issue mentioned by NGOs is the problem of project based funding. It is much easier to receive money for certain projects than for operational costs. Therefore, NGOs must from time to time adjust their operation to the projects for which funding is available.

If for instance a project runs out, but the NGO would like to keep an employee working in that project, it has to find a project and apply in order to be able to provide that colleague's salary, even if such a project is not included in its strategic plans. Thus the operation of NGOs is adjusted to the needs of donors instead of funding being adjusted to the needs of the NGOs.

Another problem caused by this situation is that a lot of time needs to be spent on reporting for different funders and related administration, which usually has to be done by staff members also doing client work (social workers, lawyers), as the NGOs cannot afford to hire a person solely for this role. This of course significantly reduces the capacity of these people to work with clients. Almost all NGOs in the field of anti-discrimination work with volunteers as well. The number of permanent paid staff is relatively low and determined by the financial situation of an NGO. This of course influences the efficiency of their work.

Lobby organizations of the elderly and people living with disabilities as well as Roma NGOs are satisfied with the number of their volunteers.

B'nai B'rith Jewish Documentary Centre, which works only with voluntary members, claimed that the volunteers do not take part in the activities permanently, which can present difficulties.

#### Trade unions

Most of the interviewed unions identified the lack of staff and funding as a problem. The Trade Union of Railway Employees mentioned that since anti-discrimination is not in the focus of their activities and only occasionally are they approached by individual victims, the number of their full-time employees (working on problems concerning larger groups) is not sufficient to aptly address such individual complaints.

#### **41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?**

#### NGO's

Generally speaking, staff is well educated: a significant number of staff members have college or university degrees. Secondary school education is general among others.

Lack of English knowledge (at most Roma organizations) and insufficient practical knowledge in fundraising were mentioned as major problems.

All NGOs providing legal aid services are satisfied with their professional work. In specific fields related to anti-discrimination work and work with clients (legislation, social work, psychology, etc.), the most qualified staff members of some organizations hold trainings in this field (e.g. Háttér Support Society, Labrisz Lesbian Association, Hungarian Helsinki Committee, Legal Defence Bureau for National and Ethnic Minorities).

#### Trade unions

Trade unions also did not find the lack of staff knowledge to be a characteristic problem. This may partly be due to the fact that they do not really deal with anti-discrimination issues, so the lack of such knowledge does not have immediate negative effects.

**42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?**

NGO's

Smaller Roma NGOs mentioned that they could not work in English, which restricts them from applying for European Union funded programs and tenders. Less than half of the NGOs questioned took part in fundraising trainings; the rest of them plan to do so as well.

Trade unions

A more extensive training in labour law (and within this framework, in possible remedies available for discriminative behaviours) was mentioned by the respondents.

**43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?**

NGO's

All NGOs that deal with legal representation and/or advocacy activities are of the opinion that their lawyers are sufficiently trained in relation to national anti-discrimination legislation. In some NGOs, lawyers hold trainings on this subject (Habeas Corpus Workteam, Háttér Support Society, Hungarian Helsinki Committee, Legal Defence Bureau for National and Ethnic Minorities).

Trade unions

The answers themselves given to this question reveal the burning need for further training in this regard. One of the responding unions for instance claimed that the only law they ever apply is the Labour Code, the anti-discrimination provisions of which are known to the staff. This response implies that the given union does not apply the ETA (Equal Treatment Act), which is the core law in the field of non-discrimination (also invoked by Article 5 of the Labour Code).

**44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?**

NGO's

Staff members of some NGOs (e.g. the Hungarian Helsinki Committee) hold trainings on European anti-discrimination legislation, and other NGOs also expressed their opinion that their lawyers are sufficiently trained in this respect (since they have to use this knowledge when writing legislative proposals and comments), however, as European studies have only recently been included into the curriculum of legal education, we believe that understanding of the *acquis* is not sufficiently widespread among attorneys who have been practicing for a longer time.

Trade unions

Most responding unions answered “no” to this question. Even the one where this was not the case (Trade Union of Science and Innovation Employees), only claimed that if staff members wish, they can have sufficient knowledge, as they are duly informed about new legislation, which implies that there is no organised training in this regard.

**45. Is their staff trained in relation to advising government: formulating policy proposals?  
Legislative proposals?**

NGO's

Lawyers working at these NGOs are reported to be very active and sufficiently trained in relation to advising the government. All NGOs are satisfied with their activity regarding legislation.

Trade unions

The answers to this question show great diversity. Some respondents feel they are perfectly equipped for this task, others think they are not trained for it at all. One of the responding unions answered that they only participate in the legislative process indirectly, through the national trade union alliance they belong to.

**46. Do they need to do more to promote their anti-discrimination role?**

NGO's

A majority of the NGOs mentioned that the most important thing would be to raise public awareness, but they regarded it a very costly activity with only long term effects.

Some also mentioned that public relations require specific professional skills and knowledge that they staff members (specialized in other fields, such as legal assistance) may not be expected to have. Most NGOs do not have the resources to employ press officers.

Almost all anti-discrimination NGOs mentioned also that they ought to strengthen their position in their relation with the central government.

Trade unions

In this regard, again completely different answers were given by the different trade unions. However, based on the earlier responses, according to which a lot of union members are not even capable of realising when their right to equal treatment has been violated, it seems that promotion of anti-discrimination work (at least among the members) would be absolutely necessary. Another problem is that a lot of unions do not have too much to promote, as the anti-discrimination activity of trade unions in general leaves much room for improvement.

**47. Do they need to “do more” with victims, clients or potential clients, members or potential members?**

NGO's

NGOs believe and appear to do their work with clients they are already contacted with very efficiently, since staff is generally well-qualified (lawyers, social workers, etc.). Efficiency would rise, if they had more permanent employees.

In connection with potential clients, the distribution of information plays a key role. A great proportion of potential clients do not have information about these NGOs, and when in need, they do not know where to ask for help. This is the typical situation in the countryside, especially in smaller villages. The different groups are not equally problematic in this respect. Roma victims of discrimination are more vulnerable from this point of view than others.

Trade unions

In line with what has been said above about the lack of anti-discrimination work, the answer to this question was a unanimous “yes” from all responding unions.

**48. Do they need to “do more” with government – to increase their credibility and status?**

NGO's

Those NGOs which regard legislative and policy proposals very important, work very hard on this subject. Especially smaller organizations (mainly NGOs working to combat discrimination based on sexual orientation) mentioned that although their staff is well-qualified for preparing policy proposals, many times there is no reply from the government at all. This shows that these NGOs' general “status” is low.

Trade unions

Some respondents emphasised again that anti-discrimination is only a marginal area of their activities, and therefore expressed the view that it should not be the task of trade unions to raise this issue with the Government. Based on the replies to all the questions, it seems that trade unions fail to realise that the protection of their members from discrimination may be an important field for them. There appears to be a formulating understanding of gender equality, but no such understanding is in place with respect to any of the other grounds (age, ethnicity, and so on).

**49. For the trade unions, do they need to “do more” with the companies/employers organisations?**

Respondents agree that more should be done in this regard, however, they emphasise that it is very difficult to achieve results. The Trade Union of Science and Innovation Employees draws attention in this regard to the situation of “equal opportunities plans”. In terms of the Labour Code, the employer may – in agreement with trade unions represented at the workplace or, if there is no such trade union, with the works council – adopt a so-called “equal opportunities plan” for a definite period of time. The aim of the plan is to improve the situation of “disadvantaged groups” at the workplace. The Labour Code contains a list of such groups (women, employees older than 40, Roma employees, disabled people, employees with two or more children under 10, single employees with a child under 10), which is however open-ended. In the public service, the adoption of such plans is mandatory.

In its response, the Trade Union of Science and Innovation Employees points out that despite the mandatory nature of the provision, no equal opportunities plans have been adopted by public service employers, although trade unions have offered background materials and their assistance in the matter. The chances for unions to achieve results in this regard are reduced by the Government’s reluctance to monitor and sanction the lack of equal opportunities plans. (It needs to be pointed out that this situation has changed recently: since 1 January 2007, the Equal Treatment Authority may sanction the failure to adopt such a plan.)

**50. Would they need to “do more” with public opinion and awareness raising?**

NGO’s

All NGOs questioned agreed that in anti-discrimination work raising public awareness in relation to their target group is one of the most important goals. For reaching this aim, campaigns, spreading information materials and appearance in the media would be necessary. Campaigns and spreading information materials usually meet financial difficulties, while media appearance very often depends on personal acquaintances. The most efficient in this field is Roma Press Centre, as it is specialized in presenting Roma issues in the media.

Some NGOs complained that case work takes up all their time and energy, and that they would need press officers, or people with PR expertise to do this part of the job, however, if they have money to employ another staff member, they may still opt for a lawyer due to the high number of potential clients.

Trade unions

Answers to this question were diverse. One of the respondents claimed that they try to solve all conflicts confidentially with the employers, and only address the public if there is a mass violation of employees’ rights. Since they have only very few cases of discrimination, this issue is not something they would wish to bring before the public.

**51. What would they need to develop?**

NGO’s

Summarizing all the opinions: expertise in raising public awareness, learning fundraising techniques and a better command of English would be needed in many of the NGOs working in the field of anti-discrimination. Predictable funding of operational costs, and more resources for hiring specialised staff members (press officer, fund raiser, etc.) were also mentioned.

### Trade unions

One of the respondents raised an interesting contradiction in the stance of trade unions concerning anti-discrimination work. They realise that they should encourage their members to seek their assistance with regard to all their problems (including acts of discrimination), but since their existing staff is hardly sufficient for performing their core functions, they would not be able to deal with a boom of individual complaints, and therefore, they are not advocating this idea. This means that more funding and staffing may make it possible for trade unions to focus more on anti-discrimination issues.

## **c) National legislation in the field of anti-discrimination**

### **1. The transposition of the Directives into national law**

The Directives were transposed into Hungarian national law by Act CXXV of 2003 on Equal Treatment and the Promotion on Equal Opportunities (Equal Treatment Act, hereafter: ETA), which brought about a thorough reform of the previously inconsistent and scattered system of anti-discrimination.

Discrimination on all of the grounds listed in Article 13 EC is expressly prohibited but Hungarian national law covers other grounds of discrimination as well. The ETA sets forth an open ended enumeration of the protected grounds. The 19-item list includes – among others – sex, racial origin, colour, nationality, national or ethnic origin, mother tongue, disability, state of health, religious or other similar philosophical conviction, political or other opinion, sexual orientation, sexual identity, family status, age, and financial status. The last item is “any other status, attribute or characteristic”, which means that the list is non-exhaustive, so grounds not explicitly identified are also covered.

The ETA approaches the issue of scope from the personal, instead of the material aspect. It prohibits any discrimination in the public sector, so with regard to this sector the statute's scope is broader than that of the equality Directives. The same cannot be said with regard to the private sector, where only four groups of actors fall under the ETA's scope: (i) those who make a public proposal for contracting (e.g. for renting out an apartment) or call for an open tender; (ii) those who provide services or sell goods at premises open to customers; (iii) self-employed persons, legal entities and organisations without a legal entity receiving state funding in respect of their legal relations established in relation to the usage of the funding; and (iv) employers with respect to employment (interpreted broadly).

Before the coming into force of the ETA, no definition of direct discrimination existed in the Hungarian legal system, and indirect discrimination was only defined in labour law. This was changed by the new anti-discrimination code, which introduced the following new concepts: direct discrimination; indirect discrimination; segregation; harassment; and victimization. The definitions are largely – though not fully – based on the concepts used by the equality directives. The ETA distinguishes between three types of exceptions: (i) a general exception; (ii) special exceptions (such as genuine and determining occupational requirements and ethos based exceptions with regard to employment by religious and minority organisations); and (iii) positive action.

The ETA creates the framework of setting up an equality body (the Equal Treatment Authority) with a very wide scope of authority. The Authority is an administrative organ functioning under the supervision of the Government with an authorisation to act against any discriminatory act irrespective of the ground of discrimination (sex, race, age, etc.) or the field concerned (employment, education, access to goods, etc.). Besides the authorisations required by the Race Equality Directive, the new body is vested with the right to impose severe sanctions on persons and entities violating the ban on discrimination.

Parallel to the operation of the new authority, organs that have played a role in combating discrimination, will continue to act in the field. Court procedures will continue to be available for victims (in fact, the Authority is authorized to assist the victim in asserting his/her rights before the court), and labour as well as consumer protection inspectorates have kept their authorisation to act against instances of discrimination. Victims are provided with the possibility to decide whether they seek remedy with the Authority, or either of the two inspectorates. The Parliamentary Commissioners (of Civil Rights and of Minority Rights) also remain authorised to investigate cases of discrimination.

New legal institutions

An important development is that the ETA has extended the reversal of the burden of proof to all procedures related to discrimination (with the exception of penal law and petty offence procedures). Before the statute's coming into effect the reversed burden of proof existed only in labour law.

Another important novelty is that the ETA has enabled associations and other entities with a legitimate interest in ensuring compliance with anti-discrimination law to engage in judicial procedures on behalf of or in support of the complainants. Furthermore, the introduction of the institution of *actio popularis* claims makes it possible for these associations to launch lawsuits when the individual victims of discrimination are not identifiable.

Transposition is not without gaps though. The most problematic areas are the existence of objective justification of direct discrimination with respect to all grounds with the exception of racial or ethnic origin, and the lack of the proper transposition of the reasonable accommodation obligation related to the needs of disabled persons.

## **2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation**

### **2.A Employment and occupation related - all grounds**

The most obvious remedy for employment related discrimination is a labour lawsuit before a labour court. In Hungary, labour courts apply the Labour Code and are relatively independent within the judiciary. The most important remedies in labour law are the following: (i) the declaration of an agreement as null and void; (ii) order to continue employment; (iii) reinstatement and the payment of average earnings for a maximum of twelve months; (iv) employer's full liability for damages (Article 174) including the payment of lost income, material damages, justified expenses and moral damages. It is important to point out that the establishment of a labour relationship is not a precondition for launching a labour lawsuit, which means that if someone is facing discrimination in the recruitment process and is therefore not employed, he/she may still resort to this remedy.

In the administrative field, labour inspectorates examine compliance with non-discrimination provisions. They may resort to a number of sanctions: (i) call on employers to abide by the rules of labour law; (ii) oblige employers to terminate the violation; (iii) propose the imposition of the so-called "labour law fine"; and (iv) conduct a petty offence procedure.

Finally, the Equal Treatment Authority (hereafter: Authority) is also competent to adjudicate complaints of discrimination in employment. If the Authority has established that the provisions ensuring the principle of equal treatment have been violated, it may a) order that the situation constituting a violation of law be terminated; b) prohibit the future continuation of the conduct constituting a violation of law, c) order that its decision establishing the violation of law be published, d) impose a fine.

### **2.B Non-employment or occupation related - race and ethnic origin**

The Equal Treatment Authority, as the general equality body is competent to decide on complaints of discrimination irrespective of the concerned sector (employment, education, housing, health care, access to goods and services, etc.) or ground (race, age, disability, sexual orientation, religion, etc.).

Another general remedy is provided by the Civil Code. Victims of discrimination may sue in civil courts based on Articles 75 and 76 of the code, claiming that inherent rights are protected by the Civil Code, and that the right to equal treatment is an inherent right. The possible remedies applicable by the court are listed under Article 84 of the Civil Code, and include (i) a court declaration of the occurrence of the infringement; (ii) the demand to have the infringement discontinued and the perpetrator restrained from further infringement; (iii) the demand that the perpetrator make restitution in a statement or by some other suitable means and, if necessary, that the perpetrator, at his own expense, make an appropriate public disclosure for restitution; and (iv) a claim for damages in accordance with the liability regulations under civil law.

These provisions provide victims of discrimination with a flexible instrument, as they apply to all types of discrimination no matter which field or ground is at issue.

Furthermore, there are sector-specific remedies, such as a complaint to the consumer protection inspectorate, the initiation of a petty offense proceeding on a count of discrimination in education or health care, and so on.

The ombudspersons may also be turned to, however, only in cases, when the discrimination is perpetrated by a public authority.

Legally regulated mediation is also available in Hungary.

## **2.C Where a choice of avenues for raising either an employment related or a non-employment related complaint exists, what are the criteria when selecting a forum?**

As it is outlined above, in the Hungarian system several forums to turn to are in place. The ETA establishes a certain distribution of powers between these. The key principle is that it is up to the victim to decide which authority he/she wishes to turn to. In order to avoid double procedures, the Authority shall inform other organs (e.g. the labour inspectorates), and other organs shall inform the Authority, about the initiation of a procedure into a case of discrimination, as well as the procedure's outcome, or about the outcome of the subsequent judicial review, if there is one. Furthermore, if a procedure has been initiated before any public administrative body into a case of discrimination, then other public administrative bodies a) may not proceed in the same case with regard to the same persons, and b) shall suspend their procedure initiated in the same case with regard to any other person until a binding judgement is made in the matter. If the case has been judged by any public administrative body, then other public administrative bodies a) may not proceed in the same case with regard to the same persons, and b) shall proceed with regard to other persons on the basis of the facts as established in the binding decision of the former public administrative body.

No parallel proceeding of the Authority and a court (civil or labour) is possible. In terms of the ETA, if the victim of discrimination also files a lawsuit with the court, the Authority shall suspend its procedure until the case is adjudicated, and notifies the court about the suspending decision. When the court case is closed, the court notifies the Authority about its decision. The Authority then can proceed but is shall do so on the basis of the facts of the case as established by the court. If the case has been judged by the court before the victim turns to the Authority, the Authority a) may not proceed in the same case with regard to the same persons, and b) shall proceed with regard to other persons on the basis of the facts as established in the binding decision of the court.

In deciding which forum to turn to, a number of factors need to be considered. Between different administrative organs, the decision is relatively simple. Since the Equal Treatment Authority is the specialised anti-discrimination organisation, in a case of discrimination in employment for instance, it is more advisable to turn to the Authority instead of a labour inspectorate, in the work of which discrimination cases are of marginal importance.

When deciding about whether to turn to an administrative organ or a court, the factors to be taken into consideration are the following. The administrative procedure is always quicker, and in addition, administrative organs have an obligation to fully clarify the facts of the case. An average court procedure takes years, and the court only considers evidence that is brought before it by the parties. Although, the burden of proof is shifted in discrimination lawsuits, a certain degree of proof still needs to be produced by the victim, which is not the case in the administrative proceeding. In these respects, turning to the Equal Treatment Authority is more advantageous. On the other hand, the biggest advantage of a court proceeding is that this is the only procedure, through which victim him/herself may receive financial compensation, whereas in the administrative procedures, even if discrimination is established, the fine imposed is collected by the state.

However, it is permitted by law to resort to these procedures subsequently in a way that the administrative proceeding is conducted first, and after it is finished, the victim may bring a lawsuit. The advantage of this solution is that in the administrative procedure, the competent authority gathers the available evidence and establishes the facts of the case in a relatively short time (the Equal Treatment Authority for example is obliged to finish its proceedings within 75 days). Based on the evidence gathered this way, it is easier for the victim to decide whether a civil lawsuit for damages is likely to be successful, and it is also simpler for him/her to fulfill the evidentiary obligations that are necessary for the shift of the burden of proof.

It has to be noted that with regard to certain violations, this method is not applicable due to the very short period of time within which a remedy needs to be sought (e.g. in the case of a labour lawsuit initiated because of wrongful termination, a labour lawsuit shall be launched within 30 days).

If the victim seeks settlement instead of a „punitive” action, resorting to the ADR methods offered by the Hungarian legal system is advisable.

## **2.D What are the technical procedural requirements of each available remedy?**

It exceeds the framework of the present summary to give a detailed description of the procedural requirements of each available remedy. The Hungarian legal system offers a lot of advantages to private individuals wishing to assert claims (e.g. the possibility of submitting petitions orally, in which case the court or administrative organisation approached is obliged to take a record of the petition, provide the necessary information and forward the petition to the competent authority), however, partly due to the large number of available remedies, the assistance of a legal expert is of key importance for victims who wish to be successful in their attempts to get redress.

## **2.E What support exists at national level for accessing the different procedures, and what can be done to overcome any impediments/obstacles?**

In this regard there has been some improvement in the past years, but the system still leaves much to be desired.

Trade unions have been authorized by the Code of Civil procedure to act as representatives in the civil lawsuits of their own members since 1980, however, before the coming into force of the ETA in January 2004, Hungarian law did not fully guarantee the right of associations, organizations or other legal entities with a legitimate interest to engage, either on behalf or in support of victims of discrimination in judicial or administrative procedures.

The coming into force of the ETA meant a breakthrough in this regard. The law introduced the term “social and interest representation organisation”, which, under Article 3 (f), means any social organisation or foundation whose objectives set out in its articles of association or statutes include the promotion of equal social opportunities of disadvantaged groups or the protection of human rights; and, in respect of a particular national and ethnic minority, the minority self-government; furthermore the trade union in respect of matters related to employees’ material, social and cultural situation and living and working conditions.

This is an important notion, as in terms of the ETA, unless stipulated otherwise by the law, any social and interest representation organisation may – based on an authorization by the victim – engage on behalf of the victim in proceedings initiated due to the infringement of the requirement of equal treatment. Furthermore, social and interest representation organisations are entitled to the rights of the concerned party in administrative proceedings initiated due to the infringement of the requirement of equal treatment.

This means that specialised NGOs now have a legal standing and are able to provide victims with assistance. With regard to trade unions, the coming into force of the ETA also meant a step forward, since their right to represent their members in civil and labour lawsuits is now amplified by the possibility to step in for members in administrative proceedings launched into discrimination complaints as well.

The difficulty arises from the fact that due to restricted funding, NGOs are not able to take all cases and are more oriented towards strategic litigation, whereas the anti-discrimination activity of trade unions is not too intensive. This means a problem because the state financed legal aid system of Hungary is rather restricted. Legal aid is available for the pre-procedural phase of civil and administrative cases, which means that the lawyers can provide assistance in formulating the petitions initiating a lawsuit or an administrative proceeding, but may not provide state financed representation in the proceeding itself. In civil court cases, the court may grant further legal assistance, but as opposed to the pre-procedural phase (where legal aid is a right), this is based on the court's discretionary decision. In administrative cases, no state financed legal aid is available in the procedural phase.

Another problem is that the threshold of indigence is very low. The state pays the lawyers' fees for those whose monthly income is below the minimum old age pension level (approximately EUR 100) and advances the fees for those whose monthly income exceeds this amount but is still below the minimum wage level (approximately EUR 200). This means that state financed legal aid is available for a very limited circle of people.

## **2.F Referrals to the European Court of Justice**

The Hungarian Code of Civil Procedure contains the provisions regulating referrals by Hungarian courts. A problem in the Hungarian system is that no remedy is available if the court rejects the party's motion for referral.

## **2.G Petitions to the European Parliament**

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint that their rights under European Union law are not being properly respected. The advantage of this mechanism is that, once the complaint has been passed on to the Commission, it has to observe strict time limits for responding. Such time limits do not apply to communications made with the Commission under H below.

## **2.H Alerting the European Commission to discriminatory administrative practices**

This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

## **2.I Complaints to the European Court of Human Rights**

Hungary has still not ratified Protocol 12 of the Convention. Therefore, the limitation that Article 14 of the Convention may only be invoked if another convention right is violated, is still in place with regard to complaints against the Republic of Hungary.

## **2.J Other international remedies**

Hungary is a party to all the relevant international treaties.

The Human Rights Committee concerned Hungary's state report in 2002. In the concluding observations it made the following comments that are relevant from the point of view of the non-discrimination issue.

6. [...] The Committee is concerned that [...] there is no comprehensive legislative provision against discrimination.

7. The Committee is deeply concerned at the situation of the Roma people who, despite various steps taken by the State party, remain disadvantaged in almost all aspects of life covered by the Covenant. The Committee particularly regrets ongoing discrimination against Roma with regard to employment, housing, education, social security and participation in public life.

9. The Committee is concerned at the low participation of women in political life and at their segregation in the labour market, as well as their low representation in senior levels of government and in the private sector.

Hungary's report was concerned by the CERD Committee in the same year. Some of the conclusions were.

374. While noting the above efforts, the Committee expresses concern at persisting intolerance and discrimination, especially in relation to the Roma minority, as well as at xenophobic manifestations against immigrants, refugees and asylum-seekers.

382. [...] The Committee is also concerned about discriminatory practices resulting from the system of separate classes for Roma students and from private schooling arrangements.

383. The Committee is concerned at the disproportionately higher unemployment rate among the Roma population.

384. The Committee is concerned that the Roma population is disproportionately subjected to discrimination in respect of housing and, in particular, to forced eviction.

The CRC Committee examined Hungary's state report in 2006. Among others, the Committee concluded the following.

19. Despite legislative advances by way of the Act on Equal Treatment and the Promotion of Equal Opportunities adopted in 2003 and several measures and programmes aiming at the elimination of discrimination, the Committee is concerned that discriminatory and xenophobic attitudes, in particular towards the Roma population, remain prevalent and that especially Roma children suffer from stigmatization, exclusion and socio-economic disparities, notably related to housing, unemployment, access to health services, adoption and educational facilities because of their ethnic status.

39. The Committee is concerned about the lack of an inclusion policy and integration mechanisms and inadequate assistance for children with disabilities.

The CEDAW Committee will consider the Hungarian report in August 2007.

## **2.K Professionalism**

Based on the mapping exercise carried out into NGOs and trade unions combating discrimination, it seems that there are huge differences in the capacities and skills of different organisations. While anti-discrimination work is a marginal segment of trade union activity, the largest Hungarian NGOs are well staffed and equipped to carry out high quality non-discrimination work. Smaller local NGOs often complain about staffing problems rooted in insufficient funding.

## **3. Societal issues**

Based on the Equal Treatment Authority's report on the year 2005, it can be stated that most discrimination related complaints come from

- women who wish to have children
- women over the age of 50,
- persons living with disabilities,
- Roma people

Sociological research shows that the level of the Hungarian society's intolerance is the highest with regard to the Roma, migrants and homosexuals. At the same time discrimination against women in employment and older employees is also widespread. Although the disabled are the only vulnerable group with a single law devised to protect their rights, the severe failure to make public buildings accessible (which is prescribed by law) proves that the creation of a legal framework in itself is insufficient if it is not accompanied by societal commitment.

#### **d) Funding opportunities in the field of anti-discrimination**

### **I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL**

#### **1. EU funding for NGOs/Trade Unions operating at the EU level**

##### **a) *European-level NGOs***

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme. Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €.

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: [http://ec.europa.eu/employment\\_social/progress/index\\_en.html](http://ec.europa.eu/employment_social/progress/index_en.html)

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: [http://ec.europa.eu/employment\\_social/emplweb/tenders/index\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm)

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

## **b) *European Trade unions***

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

[http://ec.europa.eu/employment\\_social/social\\_dialogue/grants\\_en.htm](http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm)

### **2. EU funding for national NGOs/Trade Unions**

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

[http://ec.europa.eu/employment\\_social/emplweb/tenders/index\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm)

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

[http://ec.europa.eu/employment\\_social/esf2000/2007-2013\\_en.html](http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html)

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

[http://ec.europa.eu/employment\\_social/emplweb/esf/esf\\_matrix\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm)

## **II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL**

### **1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc). Is it easy to access such funding? What are the conditions to receive such funding?**

The delegation of the European Commission in Hungary does not provide direct funding to organisations (NGOs or trade unions) that are involved in anti-discrimination work at the national level.

**2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?**

Yes. The government provides funding generally on a project basis. There are 2 main kinds of governmental funds:

- a) European Union structural funds administered by the government,
- b) governmental funds disbursed by the government or by public foundations established by the Parliament (e.g. National Civil Fund)

**3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)**

Most of the funding referred to under Question 2 is project funding (but some core funding is also available under the National Civil Fund – see below).

- a) EU funds administered by governmental agencies  
Various calls for proposals have been issued under the Human Resources Development Operative Program (HEFOP, [www.hefop.hu](http://www.hefop.hu)) that are aimed at promoting social integration and solidarity and reducing unequal opportunities. This is mainly realised through grant schemes designed to improve services and infrastructures, as well as training and skill building opportunities.

From 2007 on, social inclusion will appear as one of the priorities in the Social Renewal Operative Program (TÁMOP). Management of the grant schemes responding to this priority will be performed by the National Development Agency (Nemzeti Fejlesztési Ügynökség). Information on related schemes is available on the Agency's website ([www.nfh.gov.hu](http://www.nfh.gov.hu)). The first schemes are expected to be launched in June 2007.

Between 2004 and the end of 2006 the EQUAL Program distributed EUR 40,389,513 in Hungary (out of which EUR 30,292,135 came from the European Social Fund, and the remaining EUR 10,097,378 was provided by the Hungarian state budget). As of the beginning of 2007, funds available within the framework of the EQUAL Program have been integrated into the TÁMOP program described above.

The Hungarian national strategy of the European Year on Equality foresees no funding opportunities for NGOs or trade unions (for the text see the website of the Ministry of Social and Labour Affairs: <http://www.szmm.gov.hu/main.php?folderID=16291> )

- b) Governmental funding from the national budget
  - Governmental funding by ministries/governmental agencies  
Funding by ministries tends to complement EU-funding schemes and generally provides the required co-financing amounts. This is done on an ad hoc basis, and at the moment no such funding opportunity is in place with regard to the non-discrimination field.

Funding for non-discrimination projects may also be received from certain ministries, which are responsible for issues related to equal treatment and equal opportunities. The most important such ministries are the Ministry of Social and Labour Affairs (MSLA) and the Ministry of Education.

For the list of the grant schemes planned by the MSLA for the year 2007, see the Ministry's website:

<http://www.szmm.gov.hu/main.php?folderID=10055&articleID=31437&ctag=articlelist&iid=1>. The planned schemes include – among others – a program for the housing and social integration of Roma people living in settlements, a scheme for the support of the national and regional organisations of the disabled, and a gender mainstreaming program.

For the list of grant schemes managed by the Ministry of Education, see the Ministry's website: <http://www.okm.gov.hu/main.php?folderID=748>

- Public funds from public foundations  
Public foundations can be established by an act of Parliament for a specific purpose. They generally distribute funds through calls for proposals open to NGOs as well.

Some relevant examples:

- o Public Foundation for Hungarian Gypsies (Magyarországi Cigányokért Közalapítvány, [www.macika.hu](http://www.macika.hu)): Supports programs to reduce unequal opportunities for Roma.
- o Public Foundation for Chances for the Disabled (Fogyatékosok Esélye Közalapítvány, [www.foka.hu](http://www.foka.hu)): Provides grants to programs aiming at building skills and improving opportunities for persons living with disabilities.
- o National Public Foundation for Employment (Országos Foglalkoztatási Közalapítvány, [www.ofa.hu](http://www.ofa.hu)): Supports programs aimed at the promotion of the employment of disadvantaged groups (such as the Roma, women, older employees, and so on).

#### National Civil Fund

The Hungarian Parliament enacted the Law No. 50 on the National Civil Fund (NCA, [www.nca.hu](http://www.nca.hu)) on 23 June 2003 that aims the strengthening of the operation of civil society organisations and the development of the third sector through grant supports.

All those private foundations and non-governmental organisations (excluding employers' and employees' interest groups, political parties and insurance associations) who are registered and operating in Hungary at least for a year can gain support from the Fund. The grants are distributed by the Boards composed of the representatives of civil society organisations. The principles of the grant-support system are laid down by the governing body, the Council that has a majority of delegates from civil society organisations, too.

The NCA distributes approximately 24 million EUR per annum. The annual amount equals that offered by taxpayers through the 1 percent scheme, whereby taxpayers can offer 1 percent of their personal income tax to the non-profit organisation of their choice.

The NCA issues calls for proposals for both core funding to NGOs as well as project funding. As regards core funding, the grant ceiling is 7 million HUF (cca. 27,000 EUR), but in practice the awarded amounts tend to be much smaller. Project funding generally aims at strengthening the non-profit sector through capacity building and networking type of grants.

#### **4. Is it easy to access such funding? What are the conditions?**

Most of the above sources of funding are available for both NGO's and trade unions. It is impossible to make a general statement as to whether such funding is easy or difficult to access, as the conditions of application differ from scheme to scheme. Typical restricting factors appearing explicitly in the calls for proposal are:

- The date of the applicant's registration (for instance, as it was pointed out above, only those organisations may apply to the National Civil Fund, which have been operational for at least a year before the application);
- Financial requirements (a certain amount of money, e.g. 10% of the project budget, at the applicant's disposal at the time of the contract's conclusion; a certain annual turnover for the preceding years; no public debts of and no insolvency proceedings against the applicant, and so on);
- The existence of references (the applicant has to be able to show that it carried out similar projects)

There may be other – hidden – barriers as well, such as the applicant's obligation to advance certain project costs (which not all Hungarian NGOs are able to do), or the complexity of the application process.

On the other hand, there is abundant information accessible for potential applicants.

The website of the National Development Agency administering EU funded grant schemes contains a whole section on information for applicants with a grant scheme search engine ([http://www.nfu.gov.hu/index.nfh?r=&v=&l=&d=&mf=&p=kulso\\_kereso](http://www.nfu.gov.hu/index.nfh?r=&v=&l=&d=&mf=&p=kulso_kereso)), a section on frequently asked questions (<http://www.nfu.gov.hu/index.nfh?r=&v=&l=&d=&mf=&p=gyik>), a collection of sample applications (<http://www.nfu.gov.hu/index.nfh?r=&v=&l=&d=&mf=&p=2603>), and so on.

The Hungarian managing body of the European Social Fund (Európai Szociális Alap Nemzeti Programirányító Iroda Társadalmi Szolgáltató Kht.) runs a webpage (Elektronikus Pályázatkezelési és Együttműködési Rendszer: Electronic Grant Management and Cooperation System) where domestic grant schemes may be searched. (We have to note that at the moment there are no grant schemes providing funding for projects related to equal opportunities in the system).

Another useful webpage is that of the Nonprofit Information and Training Center Foundation ([www.nonprofit.hu](http://www.nonprofit.hu)), where applicants can find search engine for domestic grant schemes, a list of foreign foundations, and a guide to writing funding proposals.

#### **5. In case of federal countries, are there funding possibilities at the federated level?**

Not applicable.

#### **6. Are there other governmental funding possibilities at regional level? At municipality level?**

There are funding schemes at both regional and municipal levels. For example, in Budapest, the Assembly of the Budapest Municipal Government issues call for proposals to support NGOs. The Assembly's standing committee on minorities, human rights and religious affairs issues calls for proposals each year that are aimed at strengthening equal opportunities. In 2006, the grant scheme aimed to provide support to

- programmes by minority self-governments aiming at integration into society, preservation of cultural identity and catching up initiatives,
- free time programs that improve the quality of life for persons with severe health problems,
- churches and related charities carrying out social assistance programs.

The maximum grant amount in 2006 was cca. 2,000 EUR.

**7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?**

There are no private Hungarian foundations playing a significant role in funding anti-discrimination work, however, recently, in the framework of their corporate social responsibility initiatives, several larger companies based in Hungary have begun to broaden their sponsorship schemes to include themes related to equal opportunities.

Some examples:

*Vodafone Hungary Foundation:* The Vodafone Hungary Foundation (<http://www.vodafonealapitvany.hu>) is a grant making organization. It works with NGOs to help the homeless, the physically and mentally disabled and the socially disadvantaged. In 2007, the main calls for proposals focus on:

- i. Education programme to improve school performance of primary school Roma children,
- ii. Rehabilitation programmes for severely multiply disabled and / or autistic children and young people,
- iii. Prevention and rehabilitation in the area of homelessness

The Foundation spends over 100 million HUF annually on projects (385,000 EUR). The average grant is around 3 million HUF (12,000 EUR).

TESCO Hungary (<http://tesco.hu/cr>) does not run its own grant-giving foundation but sponsors larger NGOs that are active in promoting equality and assisting persons with disabilities.

It is usually relatively easy to access such funding.

Further sources of funding can be drawn from **foreign foundations** supporting activities from Hungary. Such foundations include the Charles Stewart MOTT Foundation, The Ford Foundation, the Trust for Civil Society in Central and Eastern Europe, the Open Society Institute and the International Visegrad Foundation. Some of these foundations (e.g. Trust for Civil Society in Central and Eastern Europe and the Open Society Institute) provide core funding as well.

**8. Are there any other sources of funding?**

An important source of funding for many Hungarian NGOs is the **1 percent scheme**, whereby taxpayers can offer 1 percent of their personal income tax to the non-profit organisation of their choice. The 1 percent scheme was launched in Hungary in 1996. It enables taxpayers (of which there are 4.5 million) to contribute to the third sector, and to exercise their choice as to what activities they wish to support, without any loss to their own income. It has the potential to unlock at least 6.5 billion HUF for Hungarian charities.

Tax-payers can transfer 1% of paid tax to:

- a non-governmental organisation (NGO)
- a national institution
- a public foundation established by the Government or local government
- a governmental programme (such as programme for higher education)
- a cultural institution of local interest maintained by the local council.

To be eligible to receive 1% transfers, organisations must have been registered for more than three years (public foundations only need to be registered for one year), carry out "public benefit" activities (cultural, educational, environmental protection, charitable and social welfare activities, etc.) be non-political, and not have any outstanding debts (arrears in tax, etc.) to the state.

A number of **foreign embassies** (such as the Dutch and the American Embassy) may also be approached for funding with regard to concrete projects and events.

#### **IV. Diversity Management seminar**

##### **Design of the training**

###### *Manual*

The training material was built upon the DM manual developed by international diversity experts. According to the questionnaires, the participants found the background information provided useful for their work and some of them mentioned that they will distribute it among their colleagues.

###### *Target group*

The training program targeted employers. When targeting employers, the organizing NGO tried to recruit companies with more than 50 employees and coaches, HR consultants, in order to build on the potential of multiplication.

###### *International trainer*

The international trainer supported the program by monitoring the preparation process. Being a great authority on diversity management, inserting her name in the announcement supported the recruitment activity. One participant mentioned that she had sent her application because the international trainer's name guaranteed the quality of the seminar. The international trainer could monitor the program as interpretation was ensured throughout the seminar.

###### *National trainer*

According to the evaluation questionnaire the trainer was well prepared (average score was 4.9) and helpful (average score received was 4.95) and provided an added value to the training both as a facilitator and as an outstanding human resources and management expert.

###### *Organising NG*

The HHC as organizing NGO was responsible to have the DM manual translated, to recruit the participants and to provide the logistical background of the seminar. The HHC also supported the national trainer in the compilation of the training program. According to the questionnaires, the participants were satisfied with the logistical arrangements of the training and found the background information useful for their job.

##### **Preparation of the seminar**

###### *Issues involved when discussing or debating Diversity Management in Hungary*

Discussions involve the Equal Treatment Act as well as career management. This topic is very much discussed in relation to the Roma population, of which an overwhelming proportion is unemployed. Gender and age are the issues mainly dealt with by newspapers. When, after the political changes, international organizations established themselves in Hungary primarily young persons were recruited and not the older age-group.

In public institutions, from city transport companies to universities, Staff Equality Plans must be carried out, which is however considered as a formal requirement and usually these do not contain any measurable indicators.

###### *Announcement of the seminar*

The announcement was accompanied by a needs assessment questionnaire thus supporting the HHC to meet employers' expectations and needs. Based on instructions by the national trainer staff members

of the HHC contacted the applicants to clarify the needs and expectations. The questions covered the best practices of the companies, the main issues concerning diversity and the applicants' personal needs. The replies suggested that diversity and diversity management are still in an embryonic phase in Hungary, however, there are some positive initiatives at international companies and a positive attitude towards diversity among national companies. The answers of national companies' representatives made clear the need to communicate the business benefits of diversity management as a holistic management approach. Also to ensure high attendance, and commitment on a company level, we asked that application letters are signed by the employers' representative.

#### *Attracting and selecting participants*

The HHC sent out approximately 5,000 invitations through employers' organizations and directly sent out invitations to 50 companies selected partly on the basis of their general attitude towards diversity and equal opportunity. Prior to sending out the targeted invitation letters, the HHC phoned the companies to establish personal contacts. The invitation was also followed by personal phone calls. Altogether over 100 calls were made by HHC staff. The organizer also cooperated in the recruiting efforts with the National Human Policy Association and the Hungarian Joint Venture Association, who placed the announcement on their websites and also sent the announcement to their members directly.

#### *Logistical arrangements*

The DM Seminar was also organised at the European Youth Centre Budapest (see above). Lunch, coffee breaks, accommodation from the international trainer were also provided there.

#### **Carrying out the seminar**

##### *Business cases by whom*

The IBM representative, who is responsible for the diversity management of the company in Europe, shared the company's best practices with the participants. The cases she described on the motivation scheme and preferential working hours of employees returning from maternity leave generated intensive debates.

##### *Ratio of participants (business / government / employers' organisations / consultants/others)*

Out of the 25 participants enrolled, 23 showed up. The composition of the participants was a mixture of representatives of employers and consultants.

##### *Process during the day – observations*

The concept of the training was based on a complex approach using a mixture of lectures, interactive exercises and small-group discussions. The idea behind the program was to recognise the value of the experiences of HR professionals and to provide them the opportunity to exchange best practices. The program went step-by-step from becoming aware of individual diversity through an analysis of the Hungarian trends to implementing diversity strategies within larger organizations. All participants left the workshop with an action plan.

##### *Evaluation of the seminar*

The Diversity Management training was an interesting initiative to train and sensitize employers. Recruiting employers from the for-profit sector requires a completely different attitude and methodology than targeting NGOs, as in Hungary equal treatment and equal opportunity are not among the main organizational objectives in the corporate sector, and they do not constitute an integral part of organizational culture in general.

According to the responds of the participants the training was extremely useful and filled a gap by putting diversity into context as a business driven management approach. The materials distributed (DM manual, relevant national and international law, change management diagrams, etc.) were also filling a gap as – according to the replies - no comprehensive materials were available in Hungarian on diversity and diversity management.

### **Main lessons learned seminar**

In the final round of the training, the trainer asked the participants to summarize their findings on how the training met their expectations (what “they are taking home”). The comments were the following:

- The training provided positive reinforcement for me to carry on with my job (4 mentions);
- The training provided a great opportunity to get to know others, and to do some networking (5);
- The training reinforced the importance of communication (2) and the
- importance of change management (2) and
- that diversity management should be an integral part of the company's daily operation (2);
- The training provided arguments for the (financial) benefits and advantages of DM (2);
- The training provided relevant, key information on the issue (2).





## **Annexes**

### **The role of trade unions combating discrimination**

#### Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

#### **1. What is a trade union?**

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

#### **2. What is the role of a trade union in combating discrimination?**

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

### **3. What activities can a trade union do to combat discrimination?**

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
  - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
  - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
  - Promote female members and members from a minority background in positions of decision-making and leadership.

### **4. What does a trade union need to fulfil its role?**

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

**5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?**

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

**6. What are the obstacles for trade unions and how might these be overcome?**

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.