

28th OSCE PA Annual Session

Side Event “Countering Hate: Lessons from the Past, Leadership for the Future” (Luxembourg, 5 July 2019)

Remarks by Ms. Nahima LANJRI
Chair of the OSCE PA Ad Hoc Committee on Migration

Dear colleagues,

Unfortunately, discrimination is still a reality worldwide. Despite all the discussions that have already taken place in the OSCE participating States, we still are confronted with discrimination under different circumstances. Discrimination is widespread: when people apply for a job, in the night life, in the allocation of private rental housing and in so many other moments in people’s daily life.

Direct and indirect forms of discrimination must be perceived as unacceptable and it is our duty to tackle discrimination effectively.

We may never accept the exclusion of people on the base of racial or ethnic origin, age, religion, sexual orientation or disability. These acts of discrimination are not only unacceptable from an ethical point of view, they also are a waste of human talent. We need this human talent in our society and on the labour market. Combating discrimination has therefore not only a social dimension, but also an economic dimension.

Many OSCE participating States already have their anti-discrimination policy. In Belgium, we have a wide range of laws that qualify acts of racism and discrimination as a criminal offence. This legislation has already proved its usefulness. Since more than 25 years Belgium has had a public and independent institution that combats discrimination. Anyone that has been the target of discrimination or a witness to it, can turn to UNIA. First of all, UNIA tries to reconcile in order to look for a solution. If mediation has not been successful, UNIA can go to Court, but always after exhausting alternative dispute resolution.

Testimonies and investigations clearly demonstrate that discrimination is not over yet. In 2015, a study on the housing market in Ghent showed that 21 % of people living with a disability and 26 % of the people with a migrant background were confronted with discrimination. In 2018, a study on discrimination showed that in Antwerp 1 out of every 2nd landlord or real estate agent is discriminating.

On the labour market, we face the same problems. Researchers from Ghent University found that people with a migrant background have 30 % lower chances to be invited to a job interview compared to native candidates with the same qualifications. The research team sent 768 fictitious applications to companies that do business with the City of Ghent and that had signed an anti-discrimination clause. The analysis revealed that applicants with a migrant background received 28 % less positive response. When the number of candidates is big enough, job applicants with “white names” have 50 % more chances to be invited for an interview, even though applicants with a migrant background have the same qualifications.

These facts and figures show that discrimination is not a marginal phenomenon. Despite sound legislation and strong institutions discrimination is still widespread. That's the reason why Belgian policy makers have moved into a higher gear in order to reach successful results. Through various legal initiatives, both at national and local level, we are tackling discrimination in a more decisive manner.

The national policy makers have introduced "mystery calls" to tackle discrimination on the labour market. The new provisions aim to provide social inspectors with specific powers in terms of researching and establishing discriminatory offences in order to make it easier to prove that these offences were committed. If, after a complaint or a report, there are indications of questionable practices going on, the social inspector may approach companies in order to examine whether there is discrimination in the context of the anti-discrimination laws. The social inspectors may show up without having to introduce themselves or prove their identity. As the social inspector sometimes has to commit (small) punishable acts that are absolutely necessary in the context of his mission, he will not be prosecuted as long as these punishable acts are less serious than the ones researched through the mystery shopping method. Before the social inspector uses the mystery shopping technique, he needs explicit approval of the Judge Advocate for Labour and of the public prosecutor and he needs to report to them in writing. There cannot be any "provocation" in the meaning of the code of criminal procedure.

Now that the regulatory framework has been set up, the "mystery calls" are put into practice. The social inspectors that are authorized to use the mystery shopping technique get a training. Four files have been passed on to the Judge Advocate for Labour, who can now grant permission to examine those individual cases. "Mystery calls" are a major step forward in our anti-discrimination policy.

At the local level, the City of Ghent has launched checks to tackle discrimination in the private rental market. Clear agreements were made with UNIA to conduct these checks. Two approaches are used to measure the degree of discrimination: the proactive approach and the reactive approach. One can take the initiative and act after suspicions or reports about discrimination. During these checks, two fairly similar home-seekers contacted the same landlord in response to a specific advertisement. The candidates did not differ from each other on as many characteristics as possible, except in the area of the characteristic to be tested that could give rise to discrimination. Afterwards it was checked whether one of the home-seekers was treated less favourable. Research shows that the mere existence of these checks leads to less discrimination. The aforementioned figures of discrimination regarding people living with a disability and of the people with a migrant background lowered from 21 % to 15 % and from 26 % to 14 %.

Dear colleagues,

Despite these steps forwards, we have to be realistic. With these initiatives discrimination is not eliminated. This is why we need to be vigilant and see which further steps can be taken in the future.

I thank you for your attention.