

# **The role of NGOs and the civil sector in collecting evidence.**

**How equality bodies can make use of it?**

by Dieter Schindlauer

for EQUINET, legal training,

Bratislava 11.10.2010

# What types of NGOs are we talking about?

- International NGOs (Amnesty et. al)
- Regional and local NGOs **specialised** in counteracting discrimination

So there are not many NGOs to deal with.

# Provocation:

Dear specialised bodies:

Finding evidence for cases is **your job!**

If your national system does not allow you to do that effectively - try change the system. NGOs could be helpful to **lobby** for that.

# In which areas cooperation with NGOs makes sense:

- a) Testing?
- b) Advocate for a good system to prove discrimination
- c) Relationship with person who has been discriminated against
- d) Relationship with potential victims

# a) Testing

## The four aims of testing

- Testing to gain evidence for individual cases
- Testing to prove a policy
- Testing for awareness raising
- Testing for scientific research

Generally, the first option is least promising for NGOs.

# Testing needs allies

The work of NGOs is often regarded as partisan.

Therefore, it makes a lot of sense to include unsuspecting or even unexpected allies in testing activities like police (RADAR experience), media, notaries etc.

# Testing for awareness raising

Testing in cooperation with media can be very useful for the purposes of NGOs.

Especially recommended for the testing of policies.

Media coverage aims at raising public awareness and increasing pressure on perpetrators beyond legal accountability.

## b) Advocate for a good system to prove discrimination

NGOs should be interested in supporting the specialized bodies in advocating and lobbying for an effective system in which discrimination can be established before courts.

## c) Relationship with person who has been discriminated against

Many NGOs have a lot of credibility when dealing with persons who feel discriminated. Their role as partisan players is possibly an obstacle in court, but an advantage in the relationship with the victim of discrimination.

So, what specialized bodies can do is to cooperate very closely with NGOs throughout the whole procedure of a complaint. If the victim feels comfortable and safe, the case gains potential.

## d) Relationship with potential victims

NGOs often have close relations with people who trust them that they know what to do about discrimination.

In order to get good sets of evidence, NGOs and specialized bodies can develop good handbooks and checklists on how to collect, document and preserve important pieces of evidence. NGOs can be very supportive in the development and distribution of this information.