



ICT ENABLED PUBLIC SERVICES FOR MIGRATION

Inclusivity Handbook

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EXECUTIVE SUMMARY

The MIICT Inclusivity Handbook tackles issues related to the incorporation and utilization of Information and Communication Technologies (ICTs) within the context of public services, for the purpose of ensuring comprehensive inclusion of all individuals, irrespective of their personal characteristics and backgrounds.

To this end, the report examines the fundamental notions of Equality and Antidiscrimination (Section 2.2), emphasizing their utmost importance as catalysts for inclusion within public services and the indispensable roles they play in eradicating discrimination, marginalization and ostracization of individuals who want to avail themselves of such services but encounter various setbacks, ensuring they can access and navigate through them comfortably and with ease.

In order to obtain an expansive understanding of the subject of inclusion, the report looks into the fields of Gender Equality (Section 2.3), Inclusion of Migrants and Refugees (Section 2.4), Inclusion of Persons with Disabilities and Special Needs (Section 2.5), Inclusion and E-Governance (Section 2.6), and Inclusion and Data Protection (Section 2.7). It provides definitions of the relevant concepts, identifies the main issues of ensuring inclusion within public services and it also elaborates on the various methods of guaranteeing such inclusion, accentuating on the multiple benefits ICTs have in this regard due to their widespread reach, as well as the versatility, simplicity and interactivity they provide.

Incorporated into the report are examples of Best Practices on a global level, as well as Checklists that summarise the main recommendations that authorities and private actors need to implement within their national frameworks in order to ensure the overall inclusion and equal participation of minorities, marginalized and disadvantaged people in the domain of public services.

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LIST OF ABBREVIATIONS

Abbreviation	Explanation
AI	Artificial Intelligence
ASD	Autism Spectrum Disorder
ASP	Automatic Speech Recognition
ASR	Automatic Speech Recognition
BPS	Biopsychosocial
CA	Collective Agreement
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CoE	Council of Europe
CSO	Civil Society Organisation
CRPD	Convention on the Rights of Persons with Disabilities
EGOV4SD	Electronic Governance for Sustainable Development
eIDAS	Electronic Identification, Authentication and Trust Services
EIGE	European Institute for Gender Equality
EU	European Union
FL	Foreign Language
GDPR	General Data Protection Regulation
GMH	Global Mental Health
G2B	Government-to-Business
G2C	Government-to-Citizens
G2G	Government-to-Government
GDP	Gross Domestic Product
HE	Higher Education
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICF	International Classification of Functioning, Disability and Health
ICTs	Information and Communication Technologies
IEP	Individualised Education Program
IOM	International Organisation for Migration
OECD	Organisation for Economic Co-operation and Development
LD	Learning Difficulty
MDGs	Millennium Development Goals
NEET	Not in Education, Employment, or Training
RTF	Right to Education
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UIS	UNESCO Institute on Statistics
UN	United Nations

UNFPA	United Nations Population Fund
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UPIAS	Union of the Physically Impaired against Segregation
SABER	Systems Approach for Better Education Results
SDG	Sustainable Development Goal
SRGBV	School-related Gender-based Violence
STEMM	Science, Technology, Engineering, Mathematics, and Medicine
VR	Virtual Reality
WCAG	Web Content Accessibility Guidelines
WHO	World Health Organisation
WHS	World Humanitarian Summit
WIDE	World Inequality Database on Education

1 TERMS TO GET STARTED

Data Controller	The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law. ¹
Data Processing	Any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. ²
Data Processor	A natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller. ³
E-Governance	Electronic Governance is the application of Information and Communication Technologies (ICTs) for delivering government services through integration of various stand-alone systems between Government-to-Citizens (G2C), Government-to-Business (G2B), and Government-to-Government(G2G) services. It is often linked with back office processes and interactions within the entire government framework. Through e-Governance, the government services are made available to the

¹ EU General Data Protection Regulation (GDPR): Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ 2016 L 119/1.

²Ibid.

³Ibid.

	citizens in a convenient, efficient, and transparent manner. ⁴
<u>Globalisation</u>	Generally used to describe an increasing internationalisation of markets for goods and services, the means of production, financial systems, competition, corporations, technology and industries. Amongst other things this gives rise to increased mobility of capital, faster propagation of technological innovations and an increasing interdependency and uniformity of national markets. ⁵
Inclusion	A rights-based approach to community programming, aiming to ensure persons with disabilities have equal access to basic services and a voice in the development and implementation of those services. At the same time it requires that mainstream organisations make dedicated efforts to address and remove barriers. ⁶
Information and Communication Technologies (ICTs)	Diverse set of technological tools and resources used to transmit, store, create, share or exchange information. These technological tools and resources include computers, the Internet (websites, blogs and emails), live broadcasting technologies (radio, television and webcasting), recorded broadcasting technologies (podcasting, audio and video players and storage devices) and telephony (fixed or mobile, satellite, visio/video-conferencing, etc.). ⁷
Information Society	Post-industrial society in which information technology (IT) is transforming every aspect of cultural, political, and social life and which is

⁴ S. S. Dasgupta, 'Cyber Capability Framework: A Tool to Evaluate ICT for Development Projects', in M. Cruz-Cunha, I. Miranda, & P. Gonçalves (eds.), Handbook of Research on ICTs for Human-Centered Healthcare and Social Care Services, Hershey, PA: IGI Global, pp. 399-406.

⁵ United Nations Publications, Manual on Statistics of international trade in services, Department of Economic and Social Affairs Statistics Division, Statistical Papers, ST/ESA/STAT/SER.M/86, https://unstats.un.org/unsd/publication/Seriesm/Seriesm_86e.pdf, (accessed 27 November 2019).

⁶ International Federation of Red Cross and Red Crescent Societies, All Under One Roof, Disability-inclusive shelter and settlements in emergencies, Geneva, IFRC, 2015, p10, http://www.ifrc.org/Global/Documents/Secretariat/Shelter/All-under-one-roof_EN.pdf, (accessed 27 November 2019).

⁷ UNESCO Institute for Statistics, Information and communication technologies (ICT), Glossary, [website], <http://uis.unesco.org/en/glossary-term/information-and-communication-technologies-ict>, (accessed 27 November 2019).

	based on the production and distribution of information. ⁸
Intersectional approach	The complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalized individuals or groups. ⁹
Multiculturalism	The view that cultures, races, and ethnicities, particularly those of minority groups, deserve special acknowledgement of their differences within a dominant political culture. ¹⁰
Personal Data	Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. ¹¹
Persons with disabilities	Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. ^{12 13}
Public Services	The business of supplying a commodity (such as electricity or gas) or service

⁸ Information society, BusinessDictionary.com. WebFinance, Inc., [website], <http://www.businessdictionary.com/definition/information-society.html>, (accessed 27 November 2019).

⁹ Intersectional approach, Merriam-Webster.com, [website], <https://www.merriam-webster.com/dictionary/intersectionality>, (accessed 27 November 2019).

¹⁰ Jennifer L. Eagen, 'Multiculturalism', Encyclopaedia Britannica, [website], 2015, <https://www.britannica.com/topic/multiculturalism>, (accessed 27 November 2019).

¹¹ EU General Data Protection Regulation (GDPR): Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ 2016 L 119/1.

¹² UN General Assembly, Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, at: <https://www.refworld.org/docid/45f973632.html> (accessed 2 November 2019).

¹³ European Civil Protection and Humanitarian Aid Operations, 'The Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations', DG ECHO Operational Guidance, January 2019, p. 26, https://ec.europa.eu/echo/sites/echo-site/files/2019-01_disability_inclusion_guidance_note.pdf, (accessed 27 November 2019).

	(such as transportation) to any or all members of a community. ¹⁴
Sustainable Development	Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. ¹⁵

¹⁴ Public service, Merriam-Webster.com, [website], <https://www.merriam-webster.com/dictionary/public%20service>, (accessed 27 November 2019).

¹⁵ World Commission on Environment and Development. Our Common Future. Oxford: Oxford University Press, 1987.

2 INCLUSIVITY ASPECTS OF PUBLIC SERVICES

2.1 EQUALITY AND DIVERSITY

2.1.1 What is equality and diversity?

Equality and diversity are multifaceted concepts which encompass a variety of areas and have, thus, always been a contested topic for discussion. In the age of globalization and multiculturalism, however, these two concepts are fundamental for a well-functioning modern society and are, therefore, an inseparable part of the national policies and practices of all countries that adhere to the principles of democracy and the rule of law.

Equality

Equality can be understood in terms of granting individuals – without discrimination on the basis of their unique personal characteristics - equal treatment, rights, resources and opportunities in the social, political and economic fields. The exact definition may vary and may be encountered as “equal opportunities”, “equal treatment” or “non-discrimination”.¹⁶

The principle of equality is essential for the establishment of an all-inclusive, democratic society and can therefore be found in all national, regional and international human rights instruments, such as the Universal Declaration of Human Rights (UDHR)¹⁷, the European Convention on Human Rights (ECHR)¹⁸ and the International Covenant on Civil and Political Rights (ICCPR).¹⁹

Diversity

Globalisation has enriched and diversified societies in terms of languages, races and ethnicities, religions, cultures, and different sets of mentalities, among others, on an unprecedented scale than ever before in history. Accordingly, the UNESCO Universal Declaration on Cultural Diversity²⁰ states that the main aspect of diversity is in “the uniqueness and plurality of the identities of the groups and societies making up humankind”. The Declaration also espouses the view that cultural diversity is vital for the protection of human rights, as well as for development. What is more, diversity in society is an important factor for the achievement of equality and innovation, as it develops “diversity of thought”²¹ – in other words, it provides for a whole spectrum of unique practical experiences, as well as distinctive and novel ideas, which can prove to be invaluable for inclusion.

¹⁶ C. McCrudden and S. Prechal, The Concepts of Equality and Non-Discrimination in Europe: A Practical Approach, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G.2, Oxford Legal Studies Research Paper No.4/2011, 2019, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1762815, (accessed 27 November 2019).

¹⁷ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Article 2.

¹⁸ Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, Article 14.

¹⁹ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

²⁰ UN Educational, Scientific and Cultural Organisation (UNESCO), UNESCO Universal Declaration on Cultural Diversity, 2 November 2001.

The Belgian “Label Gelijkheid Diversiteit – Label Égalité Diversité” (label equality diversity) aims at the development of a corporate culture that fosters sustainable diversity management with focus on gender, age, ethnic origin, and political and religious conviction. As it was inspired by actions at European level and in neighbouring countries, the label combines management and audit concepts and is conceived as a process. The organisations awarded with the label have to respect legislation in the field of equality and non-discrimination, develop and implement a diversity strategy, involve employees in the process of analysing and planning the diversity strategy and work on continuous improvement. The label is granted for a three-years-period after a committee has evaluated the application.

Reference: E. Heckl, C.Enichlmair and I. Pecher, Study on non-legislative initiatives for companies to promote gender equality at the workplace – Contract VC/2008/0348, Synthesis Report, Austrian Institute for SME Research 2010.

2.1.2 How to recognise inequality?

Inequality is described as “the state of not being equal, especially in status, rights, and opportunities”²², and can therefore exist in multiple contexts, including political inequality, income/economic inequality, gender inequality, inequality of rights and of opportunities, as well as inequality in capabilities.²³ Inequality can be based on a single dimension (such as race, gender, religion, sexual orientation, disability) or include a multiplicity of factors, as the intersectionality approach to discrimination exemplifies²⁴. The classification of the exact types of inequality varies, however for the purposes of this section, we will compartmentalize them under the auspices of the social, political and economic spheres.

Social Inequality

Social equality can be summarized as being based on the egalitarian principle that all individuals, irrespective of race, gender, ethnicity, religion, sexual orientation or disability, must have equal access to all public services, as well as an equal right to be taken into account in regard to all social government policies. Social inequality then, in contrast, represents discriminatory practices in regard to such services, which in turn furthers the social exclusion of individuals and leads to their marginalization to the fringes of society.

- Inequality in Education

Education is the first building block for establishing a well-adjusted and prospering society by not only providing children and young people with the knowledge necessary to enter the job market afterwards, but also by teaching them the importance of equality, tolerance and acceptance in regard to all, so that economic and social growth could be achieved. For this purpose, it has been recognised both as a human right by the UDHR and also as important for sustainable development, namely by SDG4 of the

²² United Nations, Concepts of Inequality: Development Issues No.1, 2015, https://www.un.org/en/development/desa/policy/wess/wess_dev_issues/dsp_policy_01.pdf, (accessed 27 November 2019).

²³ A. Sen, Commodities and Capabilities, Oxford University Press, 1999, p.104.

²⁴ K. Crenshaw, ‘Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’, Article 8, University of Chicago Legal Forum, 1989.

United Nations Sustainable Development Goals 2030²⁵, which strives to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”. What is more, education is vital for the realisation of all the other SDGs as it is a founding pillar of development.

Inequality in regard to education still persists and the World Inequality Database on Education (WIDE), which consists of a collection of surveys from over 160 countries, shows that a variety of factors, such as wealth, gender, ethnicity and location, give rise to educational challenges²⁶, with those from the most underprivileged backgrounds accordingly having the least capabilities and opportunities. What is more, the new database, UIS, highlights the inequalities in education that children with disabilities (learning difficulties-LDs²⁷) face, including data, showing that they are less likely to go to school and complete primary/secondary education²⁸, while being more likely to experience difficulties in learning and understanding the study material.²⁹ Regarding

In what may be the largest investment in gender equality by a higher education institution, Chalmers University of Technology in Gothenburg, Sweden, has launched a strategic plan called **GENIE – Gender Initiative for Excellence** – to address gender inequality in the faculty via a comprehensive long-term programme. Through concrete changes of academic culture, systems and processes together with selective recruitment, and with an investment of SEK300 million (US\$32 million), Chalmers aims to increase the proportion of women professors from 17% today to 40% in 2029.

Reference: J. P. Myklebust, ‘Largest’ investment by a university in gender equality’, University World News, [website], 2019, <https://www.universityworldnews.com/post.php?story=20190410073042444>, (accessed 27 November 2019).

children with disabilities, other factors are also at play, ranging from the want for appropriate resources and funding, the lack of adequate training for professionals and provision of individualised attention³⁰, to frequent instances of “bullying and hate crime”.³¹

- Gender Inequality

²⁵ UN General Assembly, Transforming our world : the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1.

²⁶ UNESCO Institute for Statistics, About WIDE, Global Education Monitoring Report, <https://www.education-inequalities.org/about>, (accessed 27 November 2019).

²⁷ D. Shifrer, ‘Learning Disabilities and Inequality’, Sociology Compass, [website], 2013, Research Gate, https://www.researchgate.net/publication/236883292_Learning_Disabilities_and_Inequality, (accessed 27 November 2019).

²⁸ UNESCO Institute for Statistics, ‘New Database and Study Shine a Light on Disability and Education’, [website], 2019, <http://uis.unesco.org/en/news/new-database-and-study-shine-light-disability-and-education>, (accessed 27 November 2019).

²⁹ OECD, ‘Mind the Gap: Inequality in Education’, Trends Shaping Education Spotlight 8, 2017, <http://www.oecd.org/education/cei/spotlight8-inequality.pdf>, (accessed 27 November 2019).

³⁰ T. Burns, ‘Mind the Gap: Inequality in education’, OECD Education and Skills Today, 2017, <https://oecdeditoday.com/mind-the-gap-inequality-in-education/>, (accessed 27 November 2019).

³¹ University of Cambridge, ‘Children with disabilities are being denied equal opportunities for a quality education across the world, including the UK’, [website] 2017, <https://www.cam.ac.uk/research/news/children-with-disabilities-are-being-denied-equal-opportunities-for-a-quality-education-across-the>, (accessed 27 November 2019).

Gender equality is widely protected and promoted within the legislative framework of the European Union. The Treaty on European Union (TEU)³² and the Treaty on the Functioning of the European Union (TFEU)³³ both have provisions relating to the equal access to the labour market and equal treatment, as well as ensuring equal pay, and the European Council has the right to take measures against discrimination based on sex, if necessary.³⁴

As it has been reiterated many times in the past, gender equality is not only a women's issue, but a human issue³⁵. The notion itself of gender equality has oftentimes been met with fervent opposition on behalf of companies and organisations that have justified their non-adherence to the principle of gender equality on the basis that they conduct their businesses in meritocratic work environments.³⁶ The gender wage gap is one area where inequality is widely recognized to exist. While the European Commission acknowledges the pay gap varies in different countries depending on the national context and different factors at play, it also notes that the average gap across the European Union is at around 16%.³⁷

In France, the “**Charte de la Parentalité en Entreprise**” (**charter for parenthood in the workplace**) has been signed by 120 companies, public administrations and non-profit organisations with the aim to change perceptions and behaviour towards pregnancy and parenthood in the workplace. By signing the Charter, organisations make commitments: to change perceptions by informing managers and HR staff on parenthood challenges and by communicating towards employees about the commitment of the organisation; to allow work-life balance and ensure adequate working conditions to childbearing employees; to ensure the absence of discrimination related to career development in HR and managing practises.

The charter is mainly signed by big companies, HR consultants and companies whose activity is connected to parenthood. Employers are asked about their concrete actions taken in favour of work-life balance and employees shall consider to which extent their needs in terms of work-life balance are met by the companies.

Reference: E. Heckl, C. Enichlmair and I. Pecher, Study on non-legislative initiatives for companies to promote gender equality at the workplace – Contract VC/2008/0348, Synthesis Report, Austrian Institute for SME Research 2010.

Political Inequality

Equal representation in government and politics of each individual is a fundamental principle of democracy and can even be regarded as its corner stone,³⁸ or, as per

³² European Union, Treaty on European Union (Consolidated Version), Treaty of Maastricht, 7 February 1992, Official Journal of the European Communities C 325/5; 24 December 2002.

³³ European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, 2008/C 115/01.

³⁴ European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, 2008/C 115/01, Article 19 TFEU.

³⁵ L. Amaya, et al., ‘Gender Equality is Not Just a Women’s Issue’, FSG, [website], 2019, <https://www.fsg.org/blog/gender-equality-not-just-women%E2%80%99s-issue>, (accessed 27 November 2019).

³⁶ S. K. Kang and S. Kaplan, ‘Working toward gender diversity and inclusion in medicine: myths and solutions’, The Lancet, vol. 393, issue 10171, 2019, Science Direct, <https://www.sciencedirect.com/science/article/pii/S0140673618331386>, (accessed 27 November 2019).

³⁷ The European Commission, ‘The gender pay gap situation in the EU’, https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en, (accessed 27 November 2019).

³⁸ L. M. Bartels, ‘Economic Inequality and Political Representation’, in L. Jacobs and D. King (eds.), The Unsustainable American State, Oxford University Press, 2009, p.167.

Robert Dahl, “In making collective decisions, the... interests of each person should be given equal consideration”.³⁹

Political inequality is a topic that seems to be underdeveloped within public and political discourse⁴⁰. This, in turn, provides for a significant setback, as it is assumed to be the catalyst for social and economic inequality as well. It encompasses both inequality in capabilities to participate and be represented equally in the political process, as well as inequality of outcomes, with some policies benefitting certain members of society at the expense of others.⁴¹ For example, the role of social stratification has been noted multiple times to play a crucial role in contributing to political inequality, especially as individuals with a higher social status have access to better education and political information and thus are more likely to participate in the political process overall, even considering this “the standard model” for such participation.⁴²

Economic Inequality

Economic, or income, inequality encompasses a vast area of issues and is generally accepted to mean the unequal distribution of income within society which, in turn, leads to poverty, plummeting of GDP growth and obstruction of opportunities in a multiplicity of areas, such as employment, education and public housing. It is worth noting that inequality doesn't exist solely between countries but among different groups within countries, thus a disparity among groups of individuals with different socio-economic status leads to disproportionate social and political representation⁴³.

2.1.3 What are the main issues related to inequality in public services?

Inequality in regard to public services, such as healthcare, education, subsidized housing, employment opportunities and other social services, infringe upon the fundamental rights of individuals that experience it. For instance, the Constitution of the World Health Organisation⁴⁴ recognises health as a fundamental human right without discrimination on different grounds, therefore refusing access to adequate healthcare infringes upon this provision. Similarly, inequality in public services is in contradiction with the provision of an adequate standard of living⁴⁵, as well as the right to education.⁴⁶

³⁹ R. A. Dahl, *Democracy and Its Critics*, New Haven: Yale University Press, 1989.

⁴⁰ J. K. Dubrow, ‘What is Political Inequality and How Unequal Are We’, politicalinequality.org, [website], 2016, <https://politicalinequality.org/2016/05/16/what-is-political-inequality-and-how-unequal-are-we/>, (accessed 27 November 2019).

⁴¹ Ibid.

⁴² R.J. Dalton, *The Participation Gap: Social Status and Political Inequality*, 1st edn., Oxford University Press, 2017.

⁴³ M. Roser, ‘Global Economic Inequality’, [OurWorldInData.org](https://ourworldindata.org), [website], 2019, <https://ourworldindata.org/global-economic-inequality>, (accessed 27 November 2019).

⁴⁴ T. A. Ghebreyesus, ‘Health is a fundamental human right’, World Health Organisation, [website], 2017, <https://www.who.int/mediacentre/news/statements/fundamental-human-right/en/>, (accessed 27 November 2019).

⁴⁵ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Article 25 (1); UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Article 11(1).

⁴⁶ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Article 26 UNHR; UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Articles 13 and 14.

It has also been noted that “the higher the level of inequality, the higher the social barriers between groups”, which can also lead to social and political instability⁴⁷, citizen’s distrust in government, reduced GDP growth and hindrance of social mobility.⁴⁸ What is more, an increase in inequality in public services has the potential to open the gateways to “political attack” on such services.⁴⁹ Also, inequality in receiving public services in relation to migrants and refugees further ostracizes and marginalizes them, instead of striving to integrate them within social structures. Furthermore, inequality in job opportunities, based on gender, race, religion or ethnicity, not only violates the principle of non-discrimination but also deprives individuals of skills development that would otherwise help them to advance on their chosen career paths.

2.1.4 How to guarantee equality and diversity in public services?

In order to guarantee equality and diversity, policy-makers need to comply with existing fundamental rights provisions, as well as to establish the appropriate legislative and procedural national frameworks, and the public sector must include such relevant provisions within their Codes of Conduct. Public sector stakeholders need to incorporate into their practices “the highest standards” in respect of: ensuring equal opportunities, providing grievance procedures, bullying and harassment prevention, anti-discrimination, recording and monitoring of relevant data and complaints procedures for individuals that use public services.⁵⁰

A powerful tool for guaranteeing equality and diversity in public services is the use of Information and Communication Technologies (ICTs).

In the framework of reaching economic (income) equality, the positive benefits of ICTs in regard to “income growth and poverty alleviation” have been marked “undeniable”⁵¹, and the Okinawa Charter on Global Information Society cites them as “a vital engine of growth for the world economy”.⁵² GDP and productivity growth have been noted due to the advancement and growth of the sectors that produce ICT products and services, which in turn has led to increased employment rates and has provided for the redistribution of goods and services, so that the process could be more efficient.⁵³

In the context of mainstreaming equality and diversity in education, UNESCO recognises the crucial importance of ICTs in advancing SDG4, it has introduced an

⁴⁷ A. Coote, ‘Are universal public services the answer to Europe’s widening inequalities?’, New Economics Foundation, 2017, <https://neweconomics.org/2017/12/universal-public-services-answer-europes-widening-inequalities>, (accessed 27 November 2019).

⁴⁸ T. Burns, ‘Mind the Gap: Inequality in Education’, OECD Education and Skills Today, 2017, <https://oecdeditoday.com/mind-the-gap-inequality-in-education/>, (accessed 27 November 2019).

⁴⁹ A. Coote, ‘Are universal public services the answer to Europe’s widening inequalities?’, New Economics Foundation, 2017, <https://neweconomics.org/2017/12/universal-public-services-answer-europes-widening-inequalities>, (accessed 27 November 2019).

⁵⁰ C. Rooke, ‘The importance of Equality and Diversity within Public Services’, prezi.com, [website], 2014, https://prezi.com/akd2pcp_v6mv/the-importance-of-equality-and-diversity-within-public-services/, (accessed 27 November 2019).

⁵¹ R. Pepper and J. Garrity, ‘ICTs, Income Inequality, and Ensuring Inclusive Growth’, The Global Information Technology Report 2015, http://www3.weforum.org/docs/WEF_GITR_Chapter1.2_2015.pdf, (accessed 27 November 2019).

⁵² Ministry of Foreign Affairs of Japan, Okinawa Charter on Global Information Society, Kyushu-Okinawa Summit 2000, <https://www.mofa.go.jp/policy/economy/summit/2000/documents/charter.html>, (accessed 27 November 2019).

⁵³ R. Pepper and J. Garrity, ‘ICTs, Income Inequality, and Ensuring Inclusive Growth’, The Global Information Technology Report 2015, http://www3.weforum.org/docs/WEF_GITR_Chapter1.2_2015.pdf, (accessed 27 November 2019).

ICT in Education Policy⁵⁴ and it has also developed an ICT-in-Education Toolkit, which aims at inspiring policy makers, planners and practitioners to incorporate ICTs within national frameworks, by introducing them to the various resources and information collected on the effectiveness of technology in education.⁵⁵

One example for utilizing technology throughout the learning process to achieve equality, is the introduction of “gamification” or game-based learning as it entails interconnectedness and inclusivity of all participants.⁵⁶ The eTwinning platform, developed by the European Commission, is another ICT initiative designed to create a common learning community across Europe and make the overall learning process all-inclusive and easier for everyone, irrespective of their individual characteristics.⁵⁷

To ensure equality and diversity in all spheres of public life, authorities and private actors must:

X	
	Provide inclusive education through appropriate resources, tools, sufficient funding and training of professionals.
	Ensure gender equality by providing for equal treatment, equal access to the labour market and equal pay through abolishing the wage gap.
	Ensure equal representation of individuals in the political decision-making process.
	Include the highest standards for equal treatment in Codes of Conduct.
	Ensure non-discrimination of persons with disabilities and special needs in their access to public services.
	Ensure non-discrimination of migrants and refugees in their access to public services.
	Raise the general public’s awareness of the need for inclusion in public services.

2.2 ANTIDISCRIMINATION

2.2.1 What is discrimination?

Discrimination, in plain English, means to distinguish, and single out.⁵⁸ Discrimination is usually unlawful, although some types of unequal treatment, such as gender quotas, are claimed to be affirmative actions mandated by law to overcome the effects of prior negative discrimination and achieve more equality.⁵⁹

⁵⁴ UNESCO, ICT in Education Policy, <https://www.ictedupolicy.org/>, (accessed 28 November 2019).
⁵⁵ ICT-in-Education Toolkit for Policy Makers, Planners and Practitioners, InfoDev.org, [website], <http://www.infodiv.org/articles/ict-education-toolkit-policy-makers-planners-and-practitioners>, (accessed 28 November 2019).
⁵⁶ OECD, ‘Trends Shaping Education Spotlight 18:Play!’, Trends Shaping Education 2019 Spotlight, <https://www.oecd-ilibrary.org/docserver/a4115284-en.pdf?expires=1572870267&id=id&accname=quest&checksum=CE8921699397AF76586FAC1BAFA6942A>, (accessed 28 November 2019).
⁵⁷ European Commission, ‘eTwinning: the community for schools in Europe’, [website], https://ec.europa.eu/programmes/erasmus-plus/sites/erasmusplus/files/factsheet-etwinning_en.pdf, (accessed 28 November 2019).
⁵⁸ FindLaw, What is Discrimination?, [website], <https://civilrights.findlaw.com/civil-rights-overview/what-is-discrimination.html>, (accessed 6 November 2019).
⁵⁹ M.L. Krook, ‘Gender Quotas, Norms, and Politics’, *Politics & Gender*, vol. 2, no. 1, 2006, pp. 110-118.

(Unlawful) discrimination is often defined as the unequal treatment of an individual or individuals on grounds, such as gender, race, colour, ethnic or national origin, religion, disability, sexual orientation, social class, age (subject to the usual conventions on retirement), marital status or family responsibilities,⁶⁰ pregnancy, political belief, union membership/activity, etc. Such type of discrimination has been prohibited on an international level by documents like the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the International Covenant on Civil and Political Rights (ICCPR), as well as of specialised instruments like the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). This prohibition lies at the heart of the principle of equality before the law and accords all persons effective protection against all forms of discrimination.

2.2.2 How to recognise discrimination?

Discrimination comes in various forms. It can be observed at an individual level, as well as in exchanges between people, yet should not be reduced to a problem of an individual's beliefs and behaviours, rather it needs to be looked at 'as a complex whole that is embedded into structures and culture'.⁶¹

Direct discrimination happens when a person possessing a protected characteristic is treated less favourably than others in a comparable situation, based on that particular characteristic. Direct discrimination can occur in a variety of situations, including house rentals, access to recreation activities, employment and education. To prove direct discrimination, persons called comparators, not having the same protected characteristic, are used showing that their treatment was or would have been more favourable.⁶²

Indirect discrimination occurs when a measure does not formally discriminate on any grounds, yet produces discriminatory effect. Indirect discrimination can be hidden behind rules prohibiting hairstyles, practically discriminating racially against certain groups, imposing working time on days of religious worship,⁶³ or requiring presence in certain registers, which can be difficult and discriminating towards travelling populations.⁶⁴

⁶⁰ United Nations Educational Scientific and Cultural Organization (UNESCO), Social and Human Sciences: Discrimination, [website], <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/discrimination/>, (accessed 12 May 2019).

⁶¹ L. Raftree, 'Can technology help address structural discrimination in the US?', [web blog], 31 January 2015, <https://lindaraftree.com/2015/01/31/can-technology-help-address-structural-discrimination-in-the-us/>, (accessed 21 March 2019).

⁶² See, for example, Citizens Advice, Comparators in direct discrimination cases, [website], <https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/comparators-in-direct-discrimination-cases/>, (accessed 1 October 2019).

⁶³ A. Willis, 'What is Indirect Discrimination?', Croner, 2018, <https://croner.co.uk/equality-discrimination/indirect-discrimination/> (accessed 7 October 2019).

⁶⁴ Citizens Advice, Indirect discrimination, [website], <https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/indirect-discrimination/>, (accessed 7 October 2019).

Discrimination by association occurs when the discriminatory ground applies to one person, but another person is detrimentally treated in consequence.⁶⁵ A landmark case in the area has been *Coleman vs Altridge Law*,⁶⁷ where the CJEU postulated that where an employer treats an employee less favourably than another employee in a comparable situation, due to the disability of his child, whose care is provided primarily by the unfavourably treated employee, such treatment is contrary to the prohibition of direct discrimination.

Discrimination by perception refers to discrimination based on the perception that an individual has a relevant protected characteristic such as age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.⁶⁸ Examples may include a member of school staff refusing to supervise a student because they believe that he or she is transsexual; a member of staff not promoted because the employer believes they have a disability.⁶⁹

Discrimination may also include **instruction to discriminate**. This form of discrimination occurs when a person in an authoritative position in relation to another person, instructs the latter to discriminate against another individual. An instruction to discriminate can involve acts of direct or indirect discrimination, lack of accessibility, or harassment.⁷⁰

2.2.3 What are the main issues related to discrimination in public services?

⁶⁵ S. Honeyball, 'Discrimination by Association', JCLI, 4, 2007, <http://www.bailii.org/uk/other/journals/WebJCLI/2007/issue4/honeyball4.html> (accessed 7 October 2019).

⁶⁶ ACAS, Understanding discrimination by association and perception, [website], 2015, <http://www.acas.org.uk/index.aspx?articleid=5362>, (accessed 7 October 2019).

⁶⁷ Case C-303/06 *S. Coleman v Attridge Law* [2008] IRLR 88.

⁶⁸ ACAS, Understanding discrimination by association and perception, [website], 2015, <http://www.acas.org.uk/index.aspx?articleid=5362>, (accessed 7 October 2019).

⁶⁹ University of Cambridge, Perceptive discrimination, [website], <https://www.equality.admin.cam.ac.uk/training/equalities-law/key-principles/perceptive-discrimination>, (accessed 7 October 2019).

⁷⁰ Diskriminerings ombudsmannen, What is discrimination?, [website], <http://www.do.se/other-languages/english/what-is-discrimination/>, (accessed 7 October 2019); Equal Opportunities Commission, What Is Discrimination?, [website], <https://www.eoc.org.uk/what-is-discrimination/>, (accessed 7 October 2019).

Workplace discrimination occurs when an employee or a job applicant is treated unfavourably because of their race, skin colour, nationality, gender, disability, religion, age, etc. A typical example would be two applicants, both satisfying the requirement of a job, yet being treated differently by, for instance, not inviting one of them for an interview because of a specific characteristic, such as their sex.⁷¹ A major (non-EU) national step to curb workplace discrimination has been, for example, Title VII of the US Civil Rights Act of 1964, which forbids discrimination in any aspect of employment, including hiring and firing, compensation, assignment or classification of employees, transfer, promotion, layoff or recall, job advertisements, recruitment, testing, use of company facilities, training and apprenticeship programs, fringe benefits, pay, retirement plans and disability leave, other terms and conditions of employment.⁷²

The Activation of Inactive People National Programme (2008-ongoing) has had as main objective the activation and inclusion on the labour market of Bulgaria of inactive and discouraged people by means of individual and group application of instruments and services for their inclusion and motivation to register themselves in the labour offices in order to acquire the right to participate in training and/or employment. One of the most crucial elements of inclusivity and counter-discrimination was the initial designation of 200 Roma mediators. They were employed full-time under labour contract and trained as mediators on labour exchange to work with the specific group of inactive and discouraged people. These people are subject of individual work according to their personal needs and the opportunities for their inclusion in training and/or employment. Later on, youth mediators were also appointed to work with inactive youth (NEETs).
Reference: National Employment Agency, *'The Activation of Inactive People National Programme'*, The Republic of Bulgaria Ministry of Labor and Social Policy, <https://www.az.government.bg/pages/nacionalna-programa-aktivirane-na-neaktivni-lica/#>, (accessed 30 November 2019).

Discrimination in education, i.e. discriminatory acts hampering educational opportunities of categories of people, can be based on age, disability, gender, nationality, race, religion, etc. Examples include harsher treatment of minority students compared to their non-minority peers, punishments like suspension, unfair grading policies, and the allowance and acceptance of discriminatory behaviour coming from other students in the classroom.⁷³ A leading example in the work against discrimination in schools have been the activities of the UK Equality and Human Rights Commission and especially its guidance to education providers.⁷⁴

Discrimination in healthcare could violate a number of fundamental human rights – right to life, prohibition of inhuman and degrading treatment, right to personal and

⁷¹ A. Doyle, 'Types of Workplace Discrimination', The Balance Careers, 2019, <https://www.thebalancecareers.com/types-of-employment-discrimination-with-examples-2060914>, (accessed 7 October 2019).

⁷² United States of America, Civil Rights Act 1964, Title VII, <https://www.eeoc.gov/laws/statutes/titlevii.cfm> (accessed 13 May 2019).

⁷³ FindLaw, Discrimination in Education – Federal Laws, [website], <https://civilrights.findlaw.com/discrimination/discrimination-in-education-federal-laws.html> (accessed 7 October 2019).

⁷⁴ Equality and Human Rights Commission, What equality law means for you as an education provider: schools, [website], 2014, <https://www.equalityhumanrights.com/en/publication-download/what-equality-law-means-you-education-provider-schools>, (accessed 7 October 2019).

family life, right to health, etc. Discrimination in health serves as a barrier to accessing health services, affects the quality of those provided, and reinforces exclusion from society for both individuals and groups. Discrimination in health is often manifested when an individual or a group is denied access to health care services that are available to others. It can also occur through denial of services that are only needed by certain groups, such as women and girls.⁷⁵

Ageism/age discrimination is exercised when someone is treated unfavourably because of their age, or when a requirement, condition or practice is imposed, disadvantaging a person or group because of their age.⁷⁶ Ageism is most often directed towards old people, but also towards adolescents and children. One of the unique features of ageism is that (old) age, unlike race and sex, represents a category to which most people will eventually become members.⁷⁷ The EU Agency for Fundamental Rights acknowledges that in modern fast-paced societies, older individuals are often dismissed as burdens and their important contributions over the years such as carers in the family, mentors and volunteers to society are overlooked.⁷⁸

Discrimination on the basis of disability is in place when one is treated less favourably or put at a disadvantage because of their disability. This happens in public and private places and services, education and employment, even social work can be excluding to those with various impairments. Disability-based discrimination in employment is especially serious since excluding those with disabilities from gainful work leads them to social isolation and poverty and employment is needed to not only provide a living, but also to sustain mental health and well-being.⁷⁹ Countries have made steps to curb the problem of disability-based discrimination. In the United States, for example, the Americans with Disabilities Act⁸⁰ mandates the provision of equality of access to both buildings and services.

⁷⁵ United Nations, Joint United Nations Statement on Ending Discrimination in Healthcare Settings, [website], 2017, https://www.unaids.org/sites/default/files/media_asset/ending-discrimination-healthcare-settings_en.pdf, (accessed 7 October 2019).

⁷⁶ Human Rights Commission, Age Discrimination, [website], <https://www.humanrightscommission.vic.gov.au/discrimination/discrimination/types-of-discrimination/age> (accessed 14 May 2019).

⁷⁷ T. D. Nelson (ed.), *Ageism: Stereotyping and Prejudice against Older Persons*, Boston, MIT press, 2004

⁷⁸ European Union Agency for Fundamental Rights, *Shifting Perceptions: Towards a Rights-Based Approach to Ageing*, [website], 2018, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-fundamental-rights-report-2018-focus_en.pdf, (accessed 7 October 2019).

⁷⁹ K. Vornholt, S.Uitdewilligen and F. Nijhuis, 'Factors Affecting the Acceptance of People with Disabilities at Work: A Literature Review', *Journal of Occupational Rehabilitation*, vol. 23, no. 4, 2013, p. 463-475.

⁸⁰ US Equal Employment Opportunity Commission, *Disability Discrimination*, [website], <https://www.eeoc.gov/laws/types/disability.cfm>, (accessed 7 May 2019).

Nationality and ethnicity discrimination involves treating people unfavourably because they are from a particular country or part of the world, because of ethnicity or related characteristics such as accent. It can also involve treating people unfavourably because they are married to or associated with a person of a certain nationality. Discrimination also occurs when the victim and the person who inflicted the discrimination are of the same nationality.⁸¹ As regards nationality-based discrimination in the workplace, practical examples may vary from refusal to hire someone because of their nationality to offensive interview questions, harassment and retaliation in case of legal action taken.⁸² Famous issues of debate, regarding nationality, have been the nationality-based requirements in sports,⁸³ as well as non-discrimination in various entitlements such as social security.⁸⁴

Strategies for Effective Police Stop and Search (STEPSS) (2007-2008) was an initiative carried out in 3 countries, Hungary, Bulgaria and Spain. It was based on the concept that, although ethnic profiling is widespread, the practice has not been sufficiently studied. STEPSS aimed to improve police relations with minority communities through: • Improving police training, operational and legal guidance, and the supervision of ID checks, stops, and searches. • Developing a monitoring system that enhances police management of and accountability for stops. • Creating a forum and increasing minority communities' ability to participate in dialogue with the police and set local policing priorities • Creating replicable models of good practice that can be disseminated regionally.

Reference: European Commission, Strategies for Effective Police Stop and Search (STEPSS) in Fuenlabrada, European Web Site on Integration, [website], 2007, <https://ec.europa.eu/migrant-integration/intpract/strategies-for-effective-police-stop-and-search-stepss-in-fuenlabrada>. (accessed 30 November 2019).

Racial discrimination occurs when one is treated unfairly or is not given the same opportunities as others in a similar situation, because of their race, the country where they were born, their ethnicity or their skin colour. Thus, race often includes colour, nationality, citizenship and ethnic or national origins.⁸⁵ The International Convention on the Elimination of Racial Discrimination (ICERD) 1965 defined 'racial discrimination' as 'any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin, which has the purpose or effect of... impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms...'.⁸⁶ On an EU level, the Race Equality Directive covers the fields of employment and occupation, vocational training, membership of employer and employee organisations, social protection, including social security and health

⁸¹ US Equal Employment Opportunity Commission, National Origin Discrimination, [website], <https://www.eeoc.gov/laws/types/nationalorigin.cfm>, (accessed 7 May 2019).

⁸² S. Bajracharya, Nationality Discrimination in the Workplace, [website], 2018, <https://www.businessstopia.net/human-resource/nationality-discrimination-workplace>, (accessed 8 May 2019).

⁸³ Asser Institute, Study on the equal treatment of non-nationals in individual sports competitions, [website], <https://www.asser.nl/sportslaw/research/past-research-projects/sport-nationality/>, (accessed 7 October 2019).

⁸⁴ F. Pennings, 'Non-Discrimination on the Ground of Nationality in Social Security: What are the Consequences of the Accession of the EU to the ECHR?', Utrecht Law Review, vol. 9, no. 1, 118-134

⁸⁵ Equality and Human Rights Commission, Race Discrimination, [website], <https://www.equalityhumanrights.com/en/advice-and-guidance/race-discrimination>, (accessed 10 May 2019).

⁸⁶ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 4 January 1969, Art. 1.

care, education, access to goods and services, which are available to the public, including housing.⁸⁷

ADPOLIS - Antidiscrimination policies successfully implemented (2016-2017)

was an EU-funded project, coordinated by the European Training and Research Centre for Human Rights and Democracy (ETC), Graz, Austria, with partners from Sweden, Hungary, Spain, Greece, etc. ADPOLIS built on previous work and aimed at further promoting the implementation of policies against racism and racial discrimination in European cities. In 2017, more than 40 cities' successful equality policies were compiled into 12 policy models, answering why these policies should be applied and how they can be implemented. Innovative features include a list of success factors, as well as a comprehensive measurement tool for progress and achievement. The insights were made available to local authorities, politicians and practitioners also by exchange and training activities. Local politicians attained knowledge on the key factors for policy success and arguments and tools for negotiations.

Reference: European Training and Research Centre for Human Rights and Democracy, [website], <http://www.etc-graz.at/typo3/index.php?id=1326>, (accessed 30 November).

As racial discrimination invariably causes largest public outcry, the concept of **objective justification** is very often introduced exactly when reviewing those cases. Sometimes discrimination can be permitted if the organisation or employer is able to show that there is a good reason for the discrimination, i.e. objective justification. A frequently cited example is that of a migrant who tries to open a bank account,⁸⁸ but the bank states that in order to be eligible one needs residency for a certain period of time and a permanent address. Then the bank would need to prove that its policy was necessary for business reasons such as to prevent fraud and that there was no practical alternative.

⁸⁷ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

⁸⁸ See, for example, Citizens Advice, Indirect Discrimination, [website], <https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/indirect-discrimination/>, (accessed 7 October 2019).

2.2.4 How to guarantee anti-discrimination in public services?

Information and Communication Technology (ICT) is one possible tool that can be used to guarantee prevention and countering discrimination in public spaces and services.

According to many, the use of technology in special education helps persons with disabilities overcome their ‘barriers’ and helps them with access to information and modern education. It also helps the individualisation of education and better flexibility to meet each student’s needs.⁸⁹ Among examples given is the **adaptive computing** technology, i.e. any hardware or software that is adapted for an individual to help lower the barriers to accessing information that a person might face to their special situation.⁹⁰ **Augmentative communication** systems, on the other hand, help students with speech problems to overcome the communication barrier. Such systems use picture charts, books, and specialised computers providing functions of word-prediction for more effective communication.⁹¹ Students with special needs can face issues associated with moving over long distances. Web-based learning solutions allow providing educational services considering the interests of students and educational organisations, for example **services for online booking and payment** without leaving home.⁹² Web-based chatting applications allow creating online classes, or **virtual classrooms**, that help students with disabilities to communicate with each other and the teacher. Tools like the Individualised Education Program (IEP) Software simplify the work with children that have learning issues caused by brain injuries, developmental delays, or intellectual disabilities.⁹³

Other areas where ICTs may counter discrimination in public services include the overall trend towards digitalisation of administration and various e-services to citizens, presumably equalising access for people of all walks of life and origins.⁹⁴ Significant efforts are taken to overcome the ‘digital divide’, regarding older people, thus countering ageism, for example by small community run programmes.⁹⁵ ICT efforts for the inclusion of refugees and migrants will be looked at in the respective chapter below.

To avoid discrimination, public services and private actors must:

X	
	Treat all people equally, without distinguishing, either directly or indirectly, on the basis of race, nationality, ethnicity, age, religion, marital status, family responsibilities, disability, etc.
	Not discriminate by perception or by association.

⁸⁹ Edmentum Blog, Trending Issues in Special Education, Part 2: Technology & Special Populations, [website], <https://blog.edmentum.com/trending-issues-special-education-part-2-technology-special-populations>, (accessed 7 October 2019).

⁹⁰ See more at <https://actcenter.missouri.edu/> (accessed 16 October 2019).

⁹¹ Dukusar, A., The Use Of Technology In Special Education, [website], <https://elearningindustry.com/use-of-technology-in-special-education>, (accessed 16 October 2019).

⁹² Dukusar, A., The Use Of Technology In Special Education, [website], <https://elearningindustry.com/use-of-technology-in-special-education>, (accessed 16 October 2019)

⁹³ Dukusar, A., The Use Of Technology In Special Education, [website], <https://elearningindustry.com/use-of-technology-in-special-education>, (accessed 16 October 2019).

⁹⁴ See more on websites of initiatives like the Open Government Partnership - <https://www.opengovpartnership.org/about/>, (accessed 17 October 2019).

⁹⁵ ‘The digital divide: small, social programs can help get seniors online’, The Conversation, 26 August 2018, <http://theconversation.com/the-digital-divide-small-social-programs-can-help-get-seniors-online-99082>, (accessed 17 October 2019).

	Introduce policies to prevent and counteract any form of discrimination in their everyday work.
	Make every use of ICTs to prevent any possible discrimination of groups of people in public and other services.
	Raise their own awareness and that of the general public on the importance of diversity in all spheres of public life.

2.3 GENDER EQUALITY

2.3.1 What is gender equality?

The issue of gender equality has risen considerably on the world’s agenda. Various steps have been put in place to effectively achieve the goal of gender equality by tackling its various aspects.

The European Institute for Gender Equality (EIGE) sees equality between women and men both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.⁹⁶ According to UNICEF, gender equality means that women and men, girls and boys, enjoy the same rights, resources, opportunities and protections. It does not require that girls and boys, or women and men, be the same, or that they be treated exactly alike.⁹⁷

United Nations Population Fund (UNFPA) states that, despite many international agreements affirming their human rights, women are still much more likely than men to be poor and illiterate, far less likely than men to be politically active and far more likely to be victims of domestic violence.⁹⁸

Gender equality is one of the 17 UN Sustainable Development Goals and means that women and girls everywhere must have equal rights and opportunity, and be able to live free of violence and discrimination.⁹⁹ Gender equality (according to SDG5) requires, by 2030, urgent action to eliminate the many root causes of discrimination that still curtail women’s rights in private and public spheres.¹⁰⁰

With regard to concrete aspects of gender inequality, women are said to do 2.6 times more unpaid care and domestic work than men,¹⁰¹ thus a fair balance of responsibility for unpaid care work between men and women is called for.¹⁰² The issue of women

⁹⁶ European Institute for Gender Equality, Gender Equality, [website], <https://eige.europa.eu/thesaurus/terms/1168>, (accessed 15 August 2019).

⁹⁷ UNICEF, Promoting gender equality: An equity-focused approach to programming: Operational guidance overview, [website], 2011, <https://www.unwomen.org/en/docs/2011/6/promoting-gender-equality-an-equity-focused-approach>, (accessed 17 October 2019).

⁹⁸ United Nations Population Fund, Gender Equality, [website], <https://www.unfpa.org/gender-equality>, (accessed 12 April 2019).

⁹⁹ UN Women, SDG 5: Achieve gender equality and empower all women and girls, [website], <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>, (accessed 17 April 2019).

¹⁰⁰ Secretary-General of the United Nations, Progress towards the Sustainable Development Goals, Economic and Social Council, [website], 2017, <https://unstats.un.org/sdgs/files/report/2017/secretary-general-sdg-report-2017--EN.pdf>, (accessed 7 October 2019).

¹⁰¹ Ibid.

¹⁰² UN Women, SDG 5: Achieve gender equality and empower all women and girls, [website], <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>, (accessed 17 April 2019); Secretary-General of the United Nations, ‘Progress towards the Sustainable Development Goals’, Economic and Social Council, [website], 2017, <https://unstats.un.org/sdgs/files/report/2017/secretary-general-sdg-report-2017--EN.pdf>, (accessed 7 October 2019).

occupying political positions and senior and middle management positions in the private sector remains problematic.¹⁰³

On a global scale, achieving gender equality requires eliminating gender-based violence, as one of the most pervasive human rights violations.¹⁰⁴ It is usually defined as violence that is directed against a woman because she is a woman or that affects women disproportionately.¹⁰⁵

2.3.2 How to recognise gender inequality?

Regarding gender inequality **in the workplace**, it has been rightfully noted that in many business cultures women are side-tracked or forced to opt for inferior professional positions that allow them to accommodate family responsibilities.¹⁰⁶ Besides more difficult promotion, other inequalities include unequal pay, sexual harassment, racism, etc. By way of example, in 2017 a new gender pay initiative came into force in the UK, demanding companies with more than 250 employees to publicise their gender pay gaps figures, leaving smaller companies to report voluntarily.¹⁰⁷

Some of these gender-based hindrances, especially for girls, regarding **access to education**, could be gender stereotypes, gender-based violence, child marriage and early unintended pregnancy, poverty, lack of inclusive learning environment, inadequate education infrastructure.¹⁰⁸ UNESCO defines school-related, gender-based violence (SRGBV) as acts or threats of sexual, physical or psychological violence occurring in and around schools, perpetrated as a result of gender norms and stereotypes, and enforced by unequal power dynamics. It can often lead to girls underperforming and ultimately dropping out of school.¹⁰⁹

¹⁰³ Ibid.

¹⁰⁴ SDG 5: Achieve gender equality and empower all women and girls, [website], <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>, (accessed 17 April 2019).

¹⁰⁵ Council of Europe, Convention on preventing and combating violence against women and domestic violence, CETS No.210, Istanbul, 11/05/2011.

¹⁰⁶ Manitoba Veterinary Medical Association, EFAP Newsletter for Human Resource and Occupational Health Professionals, Program Administrators, Supervisors, and Key Personnel Vitality, Gender Equality in the Workplace, Volume 5 | Number 3, [website], https://www.mvma.ca/sites/default/files/u522/Vitality-July_GENERIC-EN.pdf, (accessed 14 April 2019).

¹⁰⁷ GOV.UK, Gender pay gap service, [website], <https://gender-pay-gap.service.gov.uk/Viewing/search-results?t=1&search=>, (accessed 15 August 2019).

¹⁰⁸ Right to education, Women and girls, [website], https://www.right-to-education.org/girlswomen#section_view-default-8, (accessed 15 August 2019).

¹⁰⁹ 'Right to education, Women and girls, [website], https://www.right-to-education.org/girlswomen#section_view-default-8, (accessed 15 August 2019).

UNESCO and UN Women, Global guidance on addressing school-related gender-based violence, [website], 2016, p. 13, https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Unesco_UNWomen_Global_Guidance_SRGBV_2016_en.pdf, (accessed 7 October 2019).

Advance HE's Athena SWAN Charter was established in 2005 to encourage and recognise commitment to advancing the careers of women in science, technology, engineering, maths and medicine (STEMM) employment in higher education and research. It is a scheme that recognises excellence in science, engineering and technology employment for women in higher education (HE). It operates through providing an annual round of awards, workshops, guidance and opportunities to share effective practice. There are currently 86 HE institutions accepting the charter, which is structured around the Athena Swan principles and three levels of award: bronze, silver and gold.

Reference: AdvanceHE, 'About Advance HE's Athena SWAN Charter', [website], <https://www.ecu.ac.uk/equality-charters/athena-swan/about-athena-swan/>, (accessed 30 November 2019); European Trade Union Confederation, 'Athena Swan Charter for Women in Science', [website], <http://erc-online.eu/gendertoolkit-etuc/initiative/athena-swan-charter-women-science/>, (accessed 30 November 2019).

On a related matter, regarding **child marriage and early unwanted pregnancy**, according to Right to Education (RTE), 'child marriage is any formal marriage or informal union where one or both of the parties are under 18 years of age. According to Girls Not Brides, every year 15 million underage girls get married and there are 720 million women alive today who were married before the age of 18.¹¹⁰ Regarding the age of marriage, the Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination against Women have stated¹¹¹ that the minimum age for marriage should be 18 for both men and women, with marriage over 16 years of age only possible on 'legitimate exceptional grounds'.¹¹² The states are obligated to eliminate child marriage and early or unintended pregnancy, and to protect the human rights of child brides and mothers, including the right to education.¹¹³¹¹⁴

Gender inequality damages the physical and mental **health** of millions of girls and women across the globe.¹¹⁵ Poor reproductive health is seen as a leading cause of illness and death for women in developing countries. According to the World Health Organisation,¹¹⁶ some 810 women still died every day in 2017 from preventable causes related to pregnancy or childbirth. The Guttmacher Institute estimates that more than 200 million women worldwide have an unmet need for modern contraception.¹¹⁷

¹¹⁰ Right to education, Women and girls, [website], https://www.right-to-education.org/girlswomen#section_view-default-8, (accessed 15 August 2019).

¹¹¹ CRC and CEDAW, Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Right to education, Women and girls, [website], https://www.right-to-education.org/girlswomen#section_view-default-8, (accessed 15 August 2019)

¹¹⁵ World Health Organisation, Women and gender equity, [website], available at https://www.who.int/social_determinants/themes/womenandgender/en/, (accessed 15 August 2019).

¹¹⁶ World Health Organisation, Maternal Mortality [website], <https://www.who.int/news-room/fact-sheets/detail/maternal-mortality>, (accessed 13 April 2019).

¹¹⁷ Guttmacher Institute, Adding It Up: Investing in Contraception and Maternal and Newborn Health, 2017 [website], <https://www.guttmacher.org/fact-sheet/adding-it-up-contraception-mnh-2017>, (accessed 16 April 2019).

2.3.3 What are the main issues related to gender inequality in public services?

According to a number of sources, the **difference in earnings** for women workers compared to their male colleagues may be significant. A new analysis by the Institute for Women's Policy Research¹¹⁸ concludes that in the US, women earn 49 cents compared to every \$1 men earn. Regarding the European Union, there are considerable differences between EU countries with the gender pay gap ranging from less than 8% in Belgium, Italy, Luxembourg, Poland, Romania, and Slovenia to more than 20% in Austria, the Czech Republic, Germany, Estonia and United Kingdom¹¹⁹. Differences between women and men in the labour market also concern the type of contract held.¹²⁰

It is worth noting that the gender gap is not in itself based solely on direct discrimination towards women, but also includes the lack of an equal set of opportunities to progress in particular career fields. Such opportunities are influenced by a multiplicity of factors, including the degree up to which gender roles are determinative of the future path choices of individuals. One major example is the role of women as caregivers. Mothers are less likely to get offered jobs with significant travel and long hours due to negative perceptions about their ability to take on greater responsibilities.¹²¹ Data suggests that women suffer a 'mommy penalty'¹²² after they have children, i.e. they earn less after returning to the workforce, there is also a difference in how working mothers and fathers are perceived by management.¹²³

¹¹⁸ S.J. Rose and H. Hartmann, 'Still a Man's Labor Market: The Slowly Narrowing Gender Wage Gap', Institute for Women's Policy Research, [website], 2018, <https://iwpr.org/publications/still-mans-labor-market/> (accessed 7 October 2019).

¹¹⁹ European Commission, The gender pay gap situation in the EU: Causes of the gender pay gap in the EU, the gap pay situation in the different EU countries, [website], https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en, (accessed 17 April 2019).

¹²⁰ Eurostat, Part-time employment of women in the EU increases drastically with number of children Women earned on average 16% less than men in the EU, Eurostat News Release 45/206, 7 March 2016, <https://ec.europa.eu/eurostat/documents/2995521/7202372/3-07032016-AP-EN.pdf/>, (accessed 7 October 2019).

¹²¹ R. Bidshahri, 'How Technology Is Helping Close the Gender Gap and Empower Women', SingularityHub, 29 July 2018, <https://singularityhub.com/2018/07/29/how-technology-is-helping-close-the-gender-gap-and-empower-women/> (accessed 7 October 2019).

¹²² A. Kiersz, S. Sheth and S. Gal, '7 charts that show the glaring gap between men and women's salaries in the US', Business Insider, 26 August 2019, <https://www.businessinsider.com/gender-wage-pay-gap-charts-2017-3>, (accessed 7 October 2019).

¹²³ Ibid.

The project “Positive Actions” (2011-2013) was undertaken by the Italian Department of Saint-Gobain (private actor) and the following trade unions: FEMCA CISL, FILCTEM CGIL and UIL UILCEM to overcome the disparities at entry and during the careers of women and has been initiated in the two most important business groups in Italy: Saint-Gobain Glass Italia (364 employees, including 85 women, no woman in the Steering Committee composed of seven members at that time) and Saint-Gobain PPC Italia (749 employees, including 141 women, three women in the Executive Committee that consists of 23 members at that time). A collective agreement (CA) was concluded in November 2011 for the promotion of “Positive Actions” project in favour of gender equality at work. The agreement between the parties promotes the presence of women in leadership and management, through the establishment of specific training paths for 30 high potential women in terms of future professional development.

Reference: European Trade Union Confederation, Company agreement for the *promotion of “Positive Actions” project in favour of equality at work*, [website], 2019, <http://erc-online.eu/gendertoolkit-etuc/initiative/saint-gobain-italy/>; <https://www.saint-gobain.it/>, (accessed 30 November 2019).

Another significant issue is the **lack of work flexibility** for caregivers. The existence of technology is providing a much-needed solution to this problem and remote work platforms allow millions of women to work from anywhere in the world (see below).¹²⁴

An obstacle that many women face in the workforce is **sexual harassment**. According to UN Women, 35 percent of women globally have experienced physical or sexual violence.¹²⁵ An online survey of 2000 people (50% men, 50% women) in January 2018 found 38 percent of women have experienced sexual harassment in the workplace, and 81 percent reported experiencing some form of sexual harassment in their lifetime, including verbal or physical assault.¹²⁶ Data also links work-related factors to an increased risk of sexual harassment or assault in the workplace, with especially vulnerable groups like women restaurant workers or women without legal immigration status or with temporary work visa.¹²⁷

Gender stereotypes exacerbate many of the obstacles faced by women and girls in **education**. An OHCHR report concludes that education can be a powerful for both perpetuating and eliminating harmful gender stereotypes and wrongful gender stereotyping, and the indoctrination of gender stereotypes through education has broad-ranging and long-lasting effects on all areas of women’s lives, including their life plans, economic security, and employment and other choices available to them.¹²⁸

¹²⁴ R. Bidshahri, ‘How Technology Is Helping Close the Gender Gap and Empower Women’, SingularityHub, 29 July 2018, <https://singularityhub.com/2018/07/29/how-technology-is-helping-close-the-gender-gap-and-empower-women/>, (accessed 7 October 2019).

¹²⁵ M. Senthilingam, Sexual harassment: How it stands around the globe, [website], 2017, <https://edition.cnn.com/2017/11/25/health/sexual-harassment-violence-abuse-global-levels/index.html> (accessed 7 October 2019).

¹²⁶ Stop Street Harassment, [website], <http://www.stopstreetharassment.org/>, (accessed 13 April 2019).

¹²⁷ R. Chatterjee, ‘A New Survey Finds 81 Percent Of Women Have Experienced Sexual Harassment’, NPR, 21 February 2018, <https://www.npr.org/sections/thetwo-way/2018/02/21/587671849/a-new-survey-finds-eighty-percent-of-women-have-experienced-sexual-harassment?t=1555330761828>, (accessed 15 April 2019).

¹²⁸ Gender Stereotyping as a Human Rights Violation, OHCHR Commissioned Report, October 2013, p. 53-55

2.3.4 How to guarantee gender equality in public services?

New technology efforts to counter gender inequality have risen significantly even though arguments can be made against many of the innovations developing.

In an effort to ensure equality in the **workforce**, the introduction of online-driven innovations is noticed. A contingent workforce is a labour pool whose members – freelancers, independent contractors and consultants - are hired by an organisation on an on-demand basis, without being on the company's payroll, and work either onsite or remotely. This kind of workforce entails working from anywhere in the world and has helped in breaking down geographical, physical and social barriers.¹²⁹ With the contingent workforce, there is the rise of the so called gig economy, defined as a free market system in which temporary positions are common and organisations contract with independent workers for short-term engagements.¹³⁰ One such platform is SHE WORKS!, which claims to have a training and a job offering components, phrased as 'on-demand access to talent'.¹³¹

While cost savings and flexibility are benefits for companies and organisations if they decide to use contingent workforce, and women seem to be able to find jobs without geographical or time barriers, and maintain better work/life balance, negative aspects to the contingent workforce/gig economy concepts include lower level of labour and social security rights protection, with workers and employers not being bound by 'standard' labour contracts but rather by commissions for individual tasks. This may leave employees with certain vulnerabilities, especially women, in difficulties seeking social security entitlements, like sick leaves, pensions, etc. Public sector/labour bureaus may adopt a modified 'contingency workforce' approach, with strengthened labour and social security protection and a simplified system of accounting for and accruing social security contributions.

Modern-day technology struggles to overcome **high school dropout** especially for students with certain vulnerabilities, like girls, but various solutions raise objections in regard to balance with children's personal sphere. Classroom behaviour management apps like ClassDojo allow teachers to track and parents to be in the loop on students' behaviour. Thus they might be able to work together to counter problems, including bullying and other forms of harassment, before they lead to school drop-out,¹³² but strong voices exist that this 'normalises' the surveillance of students.¹³³ Similar considerations are valid for apps like Hero, which claim to drive a positive school climate and inclusive environment.¹³⁴ In a more substantive aspect, applications like

¹²⁹ M. Rouse and M. Roy, Contingent workforce, [website], <https://searchcio.techtarget.com/definition/contingent-workforce>, (accessed 12 March 2019).

¹³⁰ M. Rouse and I. Wigmore, gig economy, [website], <https://whatis.techtarget.com/definition/gig-economy>, (accessed 12 March 2019).

¹³¹ SheWorks!, [website], available at <http://wheresheworks.com/>, (accessed 12 March 2019).

¹³² Class Dojo, [website], available at <https://www.classdojo.com/en-gb/?redirect=true>, (accessed 12 March 2019). M. Lynch, 'How can technology be used to decrease the dropout rate', The Tech Edvocate, 22 June 2017, <https://www.thetechedvocate.org/can-technology-used-decrease-dropout-rate/>, (accessed 22 May 2019).

¹³³ J. Manolev, A. Sullivan, R. Slee, 'The datafication of discipline: ClassDojo, surveillance and a performative classroom culture', Learning, Media and Technology, Volume 44, 2019 - Issue 1: The Datafication of Education, p. 36-51.

¹³⁴ Hero, <https://www.herok12.com/>, [website], (accessed 12 March 2019); M. Lynch, 'How can technology be used to decrease the dropout rate', The Tech Edvocate, 22 June 2017, <https://www.thetechedvocate.org/can-technology-used-decrease-dropout-rate/>, (accessed 22 May 2019).

iStudiez¹³⁵ claim to help (girl) students organise their schedule and grades and can potentially aid those who work and attend high school at the same time juggle between school and supporting their families.¹³⁶

The EUMENTORSTEM: Empowering migrant women through mentoring initiative, implemented since December 2017 by University of Bologna, Greek Women's Engineering Association, Óbuda University, Inova Consultancy and WiTEC SWEDEN, has implemented a virtual hub assisting migrant women with STEM-studies and/or job experience to develop transversal skills and competences in order to fulfil their potential in European labour markets, while, at the same time, supporting career advisors/educators in helping migrant women to develop their skills, competences and attitudes to succeed in a STEM-job in Europe.

Reference: MOOCs4inclusion, 'EUMENTORSTEM: Empowering migrant woman through mentoring', [website], 2017, <http://www.moocs4inclusion.org/index.php/catalogue/130-eumentorstem-empowering-migrant-woman-through-mentoring>, (accessed 30 November 2019).

Regarding gender equality and **health**, studies have pointed out that ICTs are a poorly explored avenue in the area.¹³⁷ Thus, research has been focusing on the gender aspect in collecting and analysing data in the health sector - disaggregation by sex, age, social and economic status, geographic location, ethnicity, and sexual identity to show multiple links. It is claimed that findings should then be presented to key stakeholders from the community and the latter should be encouraged to comment on whether the findings mirror what the members know, or believe to be, the true health problems affecting them.¹³⁸ Studies also state that, once data are collected and analysed, then a health programme can be developed to address gaps and optimise health access and response.¹³⁹ In other studies, ICTs and the internet are linked to better information flows and access to both general and specific knowledge, including for girls and women with little education. They can, among others, access health care-related information, including about specific medical treatments or prophylaxis, and reduce the risks and costs of early pregnancy.¹⁴⁰

¹³⁵ IStudiez, <https://istudentpro.com/>, [website], (accessed 18 October 2019) M. Lynch, 'How can technology be used to decrease the dropout rate', The Tech Edvocate, 22 June 2017, <https://www.thetechedvocate.org/can-technology-used-decrease-dropout-rate/>, (accessed 22 May 2019).

¹³⁶ M. Lynch, 'How can technology be used to decrease the dropout rate', The Tech Edvocate, 22 June 2017, <https://www.thetechedvocate.org/can-technology-used-decrease-dropout-rate/>, [website], (accessed 22 May 2019).

¹³⁷ Pan-American Health Organisation, Gender Equity in Public Health, a Major Challenge for ICTs in the Region, [website], <http://www.paho.org/hq/dmdocuments/2010/Gender-equality-in-health-EN.pdf>, (accessed 18 October 2019).

¹³⁸ G. Grabman and S. Friedman, 'Gender Equality in Health: Improving Equality & Efficiency in Achieving Health for All', Pan-American Health Organisation, [website], <http://www.paho.org/hq/dmdocuments/2010/Gender-equality-in-health-EN.pdf>, (accessed 25 April 2019), p. 12-13.

¹³⁹ G. Grabman and S. Friedman, 'Gender Equality in Health: Improving Equality & Efficiency in Achieving Health for All', Pan-American Health Organisation, [website], <http://www.paho.org/hq/dmdocuments/2010/Gender-equality-in-health-EN.pdf>, (accessed 25 April 2019), p. 12-13.

¹⁴⁰ OECD, Bridging the Digital Gender Divide: Include, Upskill, Innovate, [website], 2018, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=14&ved=2ahUKEwjLy4Ow3aXIAhUxQkEAHTbUAoAQFjANegQICRAC&url=http%3A%2F%2Fwww.oecd.org%2Finternet%2Fbridging-the-digital-gender-divide.pdf&usq=AOvVaw2PPGBdYwnWD3vQNYoRIZSW>, (accessed 18 October 2019).

To ensure gender equality in all spheres of public life, authorities and private actors must:

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	Regularly monitor and take measures to overcome the gender pay gap between men and women.
	Introduce flexible work arrangements to help women balance between their work sphere and their role as caregivers.
	Systematically tackle school dropout of girls, especially from minority, refugee/asylum seeking and other vulnerable communities.
	Introduce long-term measures against early marriages and pregnancies.
	Take due account of the specific health needs of women and girls.
	Take systematic, long-term measures to prevent and counter gender-based violence, including school-related acts.

2.4 INCLUSION OF MIGRANTS AND REFUGEES

2.4.1 What is inclusion of migrants and refugees?

During the last few years, the issue of migration and refugees has increasingly escalated within the priorities of the European Union’s agenda. The European Commission recognizes states as the main duty-bearers in the inclusion of migrants, though national and local authorities can also contribute.¹⁴¹ By 1 January 2018, there were 22.3 million people residing in an EU Member State with citizenship of a non-member country, representing 4.4 % of the EU-28 population.¹⁴² At the international level, the 2030 Agenda for Sustainable Development expressed the need for a safe and regular migration (target 10.7) and called for integration, social cohesion and inclusiveness.¹⁴³

The International Organization for Migration (IOM) developed its own definition of “migrant”: *“An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons.”*¹⁴⁴ The Convention Relating to the Status of Refugees defines it in its Article 1(2) a refugee as someone who: *“...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...”*¹⁴⁵

¹⁴¹ European Commission, Inclusion of migrants and refugees in cities, [website], https://ec.europa.eu/info/eu-regional-and-urban-development/topics/cities-and-urban-development/priority-themes-eu-cities/inclusion-migrants-and-refugees-cities_en, (accessed 16 July 2019).

¹⁴² Eurostat, Migration and migrant population statistics: Statistics Explained, [website], 2019, <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/1275.pdf>, (accessed 17 July 2019).

¹⁴³ International Organisation for Migration (IOM), ‘Integration and Social Cohesion: Key Elements for Reaping the Benefits of Migration’, Global Compact Thematic Paper I Integration and Social Cohesion, [website], 2017, p. 2, https://www.iom.int/sites/default/files/our_work/ODG/GCM/IOM-Thematic-Paper-Integration-and-Social-Cohesion.pdf,(accessed 10 October 2019).

¹⁴⁴ IOM, Glossary on Migration, 2019, p. 130.

¹⁴⁵ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, <https://www.refworld.org/docid/3be01b964.html>, (accessed 10 October 2019).

“Inclusion” means belonging to something, either a group of people or an institution, being welcomed. Therefore, this need emerges in situations of exclusion in society due to several reasons: race, sex, culture, disability, etc.¹⁴⁶ The IOM understand “inclusion” and “social cohesion” as constitutive elements of “integration”.¹⁴⁷ On an EU level, the work on migrant inclusion brings together Member States, the European Commission, CSOs and cities at the local level,¹⁴⁸ aiming at establishing a general framework for inclusion, encompassing: employment, education, housing, community integration and vulnerable groups.¹⁴⁹

The project **Territorial Networks for the Prevention and Countering of Racial Discrimination against Migrants** in Italy (2007-present) has intended to give application to a law which establishes that the regions, in collaboration with immigrants associations and civil society, have the duty to create specific Centres for information and legal assistance for immigrant victims of discrimination based on race, ethnic or national origin, religion or belief. The project studies and analyses existing good practices, projects, legislative measures, statistical data and awareness campaigns undertaken at regional level (Lazio, Piemonte, Toscana, Lombardia); sets up Inter Institutional Working Groups, coordinated by UNAR, aimed at evaluate the results of the studies undertaken at regional level, identifying critical issues and positive operational models; organises regional seminars in order to share good practices on discrimination issues and training courses addressed to officials of the public administration in order to provide them all the necessary competencies to manage the Centres.

Reference: Anti-discrimination Network, [website], 2019, <http://www.unar.it/la-nostra-rete/>, (accessed 30 November 2019); Presidenza del Consiglio dei Ministri Dipartimento per le pari opportunità, List of Anti-discrimination Centres, [website], 2019, <http://www.unar.it/la-nostra-rete/centro-antidiscriminazione/elenco-centri-antidiscriminazioni/>, (accessed 30 November 2019).

2.4.2 How to recognise exclusion of migrants and refugees?

Exclusion may occur in a variety of dimensions. „Social exclusion” is considered¹⁵⁰ to have two main aspects: economic-structural exclusion, formed by material deprivation and inadequate access to government and semi-government provisions; and socio-cultural exclusion, constituting of insufficient social and cultural integration.

¹⁴⁶ F. Lisciandra et al., ‘Best practices and conclusions from inclusion European project’, [website], 2018, <http://www.inclusionproject.eu/>, p. 7, (accessed 17 July 2019).

¹⁴⁷ IOM, ‘*Integration and social cohesion: key elements for reaping the benefits of migration*’, 2017, p. 3.

¹⁴⁸ European Commission, Inclusion of Migrants and Refugees in Cities, [website] https://ec.europa.eu/info/eu-regional-and-urban-development/topics/cities-and-urban-development/priority-themes-eu-cities/inclusion-migrants-and-refugees-cities_en, (accessed 11 November 2019)

¹⁴⁹ European Commission, ‘Inclusion of Migrants and Refugees’, [website], <https://ec.europa.eu/futurium/en/node/1727>.

¹⁵⁰ G. Jehoel-Gijsbers and J. Cok Vrooman, *Explaining Social Exclusion: A theoretical model tested in the Netherlands*, The Hague, The Netherlands Institute for Social Research, 2007.

In October 2017 the EU's Urban Innovative Actions fund awarded more than £4m to Coventry, Birmingham and Wolverhampton for the **MiFriendly Cities project**, a 3-year initiative that looked to develop innovative, community-led and sustainable approaches to enhancing the contribution of refugees and migrants across the region. The founders of the project believe in a two-way integration process, which is multi-faceted, multi-layered and which takes into account the whole community. From the grassroots upwards, they hope to see citizens across the community working with local businesses, government, and voluntary organisations to build a Migration Friendly region together. The foundations of the project focus on jobs, skills, citizenship, start-ups, and long-term community investment. Thus, by working in these areas, the project can empower communities to come together and drive change at both city and regional levels to: create a region built upon a spirit of solidarity; empower citizens to take the lead in unlocking their city's assets; inspire people across the West Midlands –migrants or not – to want to live and belong in a MiFriendly City.

Reference: MiFriendlyCities, <https://mifriendlycities.co.uk/>, (accessed 30 November 2019).

Poverty can be seen as a key aspect for social exclusion. Unemployment and low wages are the main issues determining poverty, followed by adequacy of social security and welfare payments.¹⁵¹ Other factors influencing exclusion are:¹⁵²

Legislation. Current national legislations distinguish between “regular” and “irregular” migrants leading the latter to unreported employment and lack of access to the labour market and other social services.¹⁵³ Also, political participation regulated by law is one of the main indicators of inclusion/exclusion in society.¹⁵⁴

Economy. Refugees and migrants face particular difficulties to access the labour market. They have gained qualifications and experience in very different labour market conditions and they might not be able to provide the documentation which certifies their level of education.¹⁵⁵

Community. The existence of a community network from the same culture of the migrants that are arriving to Europe can contribute to finding work, housing, and with bureaucracy.¹⁵⁶ However, migrants' marginalisation due to their concentration in neighbourhoods decreases their access to education, job opportunities and cultural

¹⁵¹ J. Taylor, 'Refugees and social exclusion: What the literature says', Migration Action, vol. 26, no. 2, 2004, pp. 16-31.

¹⁵² Centre d'Estudis Africans (CEA) et al, The causes and dynamics of social exclusion among immigrants in Europe. Analysis of three cases: Denmark, Italy and Spain, Varese, Editore Stampa Natura e Solidarietà, 2003, pp. 27-29.

¹⁵³ European Council on Refugees and Exiles and Platform for International Cooperation on Undocumented Migrants, Promoting socio-economic inclusion of migrants and refugees in the next EU budget (2021-2017): Policy Paper, 2019, p. 7.

¹⁵⁴ Centre d'Estudis Africans (CEA) et al, The causes and dynamics of social exclusion among immigrants in Europe. Analysis of three cases: Denmark, Italy and Spain (VS/2001/0704), p. 29.

¹⁵⁵ See also OECD, Making Integration Work: Refugees and others in need of protection, Paris, 2016, p. 12.

¹⁵⁶ Centre d'Estudis Africans (CEA), Cooperazione Internazionale (COOPI), El Sur, Federico Caffè Centre, punto.sud & Training, Education and Development (TED). The causes and dynamics of social exclusion among immigrants in Europe. Analysis of three cases: Denmark, Italy and Spain (VS/2001/0704), p. 21.

¹⁵⁶ Taylor, J. "Refugees and social exclusion: What the literature says". Migration Action, 26, no. 2 (2004): 16-31.

and political participation.¹⁵⁷ Also, coexistence is crucial to ensure a full integration of the migrant cluster of society.¹⁵⁸ However, increased hostility against Muslim migrants has produced exclusion that encompasses many vulnerable groups.¹⁵⁹

Mass media. Mass media has a hand in the process of exclusion of migrants portraying refugees' arrival as a crisis. At the same time, media can be an important tool for managing the increasing diversity in European societies.¹⁶⁰

2.4.3 What are the main issues related to the exclusion of migrants and refugees of public services?

The complex concept of 'public services' covers both market and nonmarket services which the public authorities classify as being of general interest and subject to specific public service obligations.¹⁶¹¹⁶² The public sector, and thus exclusion, exists at the national, regional and local levels.

The exclusion of migrants and refugees from public services is contrary to both local, regional and international human rights provisions, as well as social, civil and political rights, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹⁶³, and the Convention Relating to the Status of Refugees¹⁶⁴. Such exclusion and marginalisation, as a result, may force migrants and refugees to seek alternative courses of action in order to provide for themselves and their families, the majority of them ending up in precarious, exploitative or illegal situations.¹⁶⁵

Migrants have been at risk of being deprived of their basic right to **health**. Some migrants may be exposed to health problems related with their travel or process of arrival such as mental trauma or physical problems.¹⁶⁶ The access to health services is affected by poverty, stigma, discrimination, social exclusion, language and cultural barriers, administrative hurdles, lack of legal status, etc.¹⁶⁷ Complicated procedures¹⁶⁸

¹⁵⁷ OECD, Chapter 4. Block 2. Time and space: Keys for migrants and host communities to live together, Paris, 2018.

¹⁵⁸ Ibid.

¹⁵⁹ Rudiger, A. & Spencer, S. "Social Integration of Migrants and Ethnic Minorities: Policies to Combat Discrimination". In The Economic and Social Aspects of Migration, Conference jointly organized by the European Commission and the OECD, Brussels, 21-22 January 2003.

¹⁶⁰ CoE. Media and Refugees, [website], 2019, <https://www.coe.int/en/web/freedom-expression/media-and-refugees>, (accessed 22 July 2019)

¹⁶¹ CEEP, Public Services in the European Union & in the 27 member states: statistics, organisation and regulations, (2010).

¹⁶² Ibid.

¹⁶³ UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, A/RES/45/158.

¹⁶⁴ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.

¹⁶⁵ OECD, Working Together for Local Integration of Migrants and Refugees, OECD Publishing, Paris, 2018, https://ec.europa.eu/regional_policy/sources/docgener/studies/pdf/local_integration.pdf, (accessed 30 November 2019).

¹⁶⁶ World Health Organization, Migration and health: fact sheet, [website], 2016, www.who.int/entity/migrants/about/mh-factsheet.pdf?ua=1, (accessed 24 July 2019)

¹⁶⁷ World Health Organization, Migration and health: fact sheet, [website], 2016, www.who.int/entity/migrants/about/mh-factsheet.pdf?ua=1, (accessed 25 July 2019)

¹⁶⁸ This type of regime exists when the health status is linked to migration enforcement. For more information consult: H.Karen et al, The impact of Immigration and Customs Enforcement on immigrant health: Perceptions of immigrants in Everett, Massachusetts, USA. Soc Sci Med. 73 (4), (2011): 586–94.

may discourage migrants from seeking healthcare due to the fear of being deported and pushes health workers to work as immigration control agents.¹⁶⁹

According to the UNESCO, several factors have kept children away from **education** - lack of certified schools, language differences and limited amount of resources.¹⁷⁰ Despite international commitments of states to non-discrimination, the right to education is seen as the most explicit exclusion that migrants and refugees suffer due to its frequent conditionality on citizenship and/or legal status.¹⁷¹ Regarding the education of adults, the percentage of refugees participating in tertiary education is estimated at just 1%. Lack of legal right to work discourages the participation of migrants in vocational training and many employers are reluctant to hire them.¹⁷²

Restrictive migration policies have led to the exclusion of migrants from **other public services such as housing, social protection and other benefits**. Among EU member states there is said to be a “general trend to link access to core social rights with immigration control mechanisms”.¹⁷³ A research project¹⁷⁴ has identified several practices hampering the access of migrants to services - complex and poorly understood rules, procedural delays hindering migrants’ entry into the labour market, a shortage of places for training and housing.¹⁷⁵

The achievement of better working conditions and salary has been one of the main pushing factors of many migrants. In this context, the concept of ‘economic migrant’ should be noted, which, according to the IOM¹⁷⁶ “may be applied to persons leaving their country for the purpose of **employment**”. On the other hand, research has proven how unemployment has detrimental effects on health and social wellbeing of migrants.¹⁷⁷ Regarding the employment of migrants and refugees in the public sector, across the OECD and the EU, one in four long-settled immigrants works for the public sector and there are big differences across countries.¹⁷⁸ Among the factors hindering migrants’ employment, lack of proficiency in the local language deprives them from the job for which they are qualified,¹⁷⁹ self-employment may impede accessing other positions¹⁸⁰ and the lack of knowledge about opportunities¹⁸¹ is related to the generally

¹⁶⁹ The Lancet, Harmful, unfounded myths about migration and health have become accepted, used to justify policies of exclusion, [website], 2018, <https://www.sciencedaily.com/releases/2018/12/181205232658.htm>, (accessed 25 July 2019)

¹⁷⁰ UNESCO. Global Education Monitoring Report 2019: Migration, Displacement and Education – Building Bridges, not Walls, Paris, 2018

¹⁷¹ UNESCO. Global Education Monitoring Report 2019: Migration, Displacement and Education – Building Bridges, not Walls, Paris, 2018

¹⁷² Ibid.

¹⁷³ European and Poverty Network. Migrants in Europe’s age of austerity: Report of the EAPN Task Force on Migration, Brussels, 2015, p. 11.

¹⁷⁴ It studies how restrictive admission criteria impacts on the integration of “third country” family members in the UK and other three states.

¹⁷⁵ Economic & Social Research Council. Immigrants and access to public services: evidence briefing, [website], 2013, <https://esrc.ukri.org/files/news-events-and-publications/evidence-briefings/immigrants-and-access-to-public-services/>, (accessed 20 July 2019)

¹⁷⁶ IOM, Glossary on Migration, 2019, Geneva, p. 32.

¹⁷⁷ H.Jamil et al “Promoters and barriers to work: a comparative study of refugees versus immigrants in the United States.” The new Iraqi journal of medicine vol. 8, 2 (2012): 19-28.

¹⁷⁸ OECD/European Union. Indicators of Immigrant Integration 2015: Settling In, 2015, OECD Publishing, Paris

¹⁷⁹ OECD/European Union. Indicators of Immigrant Integration 2015: Settling In, 2015, OECD Publishing, Paris

¹⁸⁰ Ibid.

¹⁸¹ OECD. Jobs for Immigrants (Vol. 2): Labour Market Integration in Belgium, France, the Netherlands and Portugal. Summary and Recommendations, Paris, 2008.

poorer access to information of refugees and migrants due to lower language skills and lower level of social orientation.

2.4.4 How to guarantee inclusion of migrants and refugees of public sector services?

A number of measures may be taken to improve the inclusion of migrants and refugees in the public services.

A report by the European Commission and the OECD¹⁸² on the local integration of migrants outlined 12 key points for local integration programmes, among which are improving the coordination of integration policies across government levels and their coherence to address the needs of migrants, accessing and effectively using financial resources at the local level to support migrant integration, better taking into account changes over time in integration policies, strengthening the cooperation with civil society and business partners, improving data collection, better matching of migrants' skills with local job opportunities.

A fundamental measure applicable to different sectors, is the simplification of the rules on access to benefits and services. In this regard, it is crucial to accelerate bureaucratic processes,¹⁸³ and train front-line service providers on migrant entitlements.¹⁸⁴

The elaboration of more migrant-friendly training and education regulations,¹⁸⁵ constitutes a cornerstone in the process of enhancing migrant's access to public services. Regarding the employment of immigrants in the public sector, a better dissemination of information to persons from immigrant origin would be beneficial to better inform them about opportunities.¹⁸⁶

¹⁸² OECD, Working Together for Local Integration of Migrants and Refugees, OECD Publishing, Paris, 2018

¹⁸³ Economic & Social Research Council. Immigrants and access to public services: evidence briefing. [website], 2013, <https://esrc.ukri.org/files/news-events-and-publications/evidence-briefings/immigrants-and-access-to-public-services/>, (accessed on 20 July 2019).

¹⁸⁴ Ibid.

¹⁸⁵ See, for example, G. Osando, Refugee immigrants: addressing social exclusion by promoting agency in the Australian VET sector. In Postgraduate Research Papers: A Compendium, 2013, Griffith Sciences, Griffith School of Engineering, pp.76-96.

¹⁸⁶ OECD. Jobs for Immigrants (Vol. 2): Labour Market Integration in Belgium, France, the Netherlands and Portugal. Summary and Recommendations, Paris, 2008.

Promoting the inclusion of migrant children and young people in public services is extremely important as well, especially for unaccompanied children. The inclusion of children would also mean providing guardianship and foster families until family reunification becomes possible, counselling services by certified professionals and continuous support in the child's transition to adulthood, including assistance in regard to his/hers entering the labour market.¹⁸⁷

The Weichenstellwerk - Sprach- und Lebensschule service in Graz, Austria consists of three components: language training, workshops, and leisure time activities. Uniformed police officers offer workshops on human rights. They consist of input on equal treatment, criminal law, protection against violence. Afterwards, the participants may openly pose questions in a comfortable atmosphere. Workshops take 45 minutes and are offered every second month. Meetings have a strong trust-building effect and sometimes migrants report on unlawful acts against them. Regarding language training, student teachers voluntarily offer language training, where issues of antidiscrimination, xenophobia and racism are addressed too. Teachers understand their language training in a holistic manner and offer counselling, advice and referrals to the target group on demand. German language courses, which are part of the mandatory "Startpaket Deutsch" coordinated by the Austrian Integration Funds, are offered in the Weichenstellwerk too to a smaller scale than the voluntary courses.

Reference: The Weichenstellwerk Graz - Sprach- und Lebensschule, [website], <https://weichenstellwerk.at/>, (accessed 29 November 2019).

Finally, regarding how ICT can contribute to the improvement of migrants and refugees' access to public services, it does not only depend on their existence but also on how effectively these are used in the country.

ICTs can be useful for enhancing the **accessibility** of education, healthcare and other governmental services.¹⁸⁸ For example, in regard to aiding migrants and refugees who have considerable difficulties understanding the language of the host country and are therefore unable to either get proper education or integrate within the new society, ICTs can be used to support foreign language (FL) learning by deploying automatic speech recognition (ASR) technologies that include chats, as well as audio-visual tools.¹⁸⁹

Refugees' mobile devices are promising for enabling the exchange of information and bridging social division.¹⁹⁰ Through information accessibility, refugees have more opportunities to engage in the activities of their host countries.¹⁹¹ ICT also allows individuals to develop to their fullest potential and participate actively in society.

¹⁸⁷ V. Guerra and D. Brindle, 'Promoting the social inclusion of migrant children and young people: The duty of social services', European Social Network, 2018, esn-eu.org, https://www.esn-eu.org/sites/default/files/publications/25.01.2018_VGReview_Migration_Report_Final.pdf, (accessed 30 November 2019).

¹⁸⁸ Ibid.

¹⁸⁹ UNESCO, 'Brief 4: Information and communication technology (ICT) in education', Learning Portal, [website], 2019, <https://learningportal.iiep.unesco.org/en/issue-briefs/improve-learning/curriculum-and-materials/information-and-communication-technology-ict>, (accessed 28 November 2019).

¹⁹⁰ S. AbuJarour, S. et al ICT-enabled Refugee Integration: A Research Agenda. Communications of the Association for Information Systems, 2019, 44 (40), 874-891.

¹⁹¹ S. AbuJarour, S. et al ICT-enabled Refugee Integration: A Research Agenda. Communications of the Association for Information Systems, 2019, 44 (40), 874-891.

However, ICT can have both positive (encourage entrepreneurship) and negative (prevent the employment of less skilled persons) impacts on society.¹⁹²

A number of ICT tools have been created, especially in the last couple of years, to facilitate migrants' integration and social inclusion. They comprise apps serving:

- social and institutional orientation, e.g. Welkom in Antwerpen, where refugees and migrants get to know the city of Antwerp and are acquainted with each element of public services, including what to bring to each service point; or RefAid app, which shows refugees the types of aid available nearby their current location;
- various interpretation and translation services, like Tarjemly Live and 1001 Connexions France;
- job finding applications, like HelpRefugeesWork and The Australian Way Project;
- applications facilitating access to various health services, like the IOM's Personal Health Record.

To ensure inclusion of refugees and migrants in all spheres of public life, authorities and private actors must:

x	
	Provide timely and appropriate language training, adapted to refugees and migrants' age, educational level and specific needs.
	Ensure by law timely access of refugees and migrants to the countries' labour market .
	Provide orientation to refugees/migrants to all spheres of public life
	Simplify procedures to facilitate migrants' inclusion in education, healthcare, labour market, etc.
	Encourage, in accordance with relevant legal framework, the employment of refugees/migrants in the public sector.
	Consistently screen online and printed media for hate speech and apply self-regulation measures, as well as measures and sanctions prescribed by law.

¹⁹² Ibid.

2.5 INCLUSION OF PERSONS WITH DISABILITIES AND SPECIAL NEEDS

2.5.1 What is inclusion of persons with disabilities and special needs?

1. Definition of Disability

There are approximately 1 billion people, or 15% of the world population, living with some kind of a disability, approximately 110 million - 190 million of them experiencing functional difficulties in their everyday lives¹⁹³.

The notion of disability itself is described as “complex, dynamic, multidimensional, and contested”¹⁹⁴, encompassing “impairments, activity limitations, and participation restrictions”¹⁹⁵, and therefore lacking a single, unified meaning.

In the definition within its Preamble, the UN Convention on the Rights of Persons with Disabilities (CRPD) provides that “disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”. The notion of an interaction with the abovementioned barriers presupposes that disability doesn’t exist in a vacuum and the way it is viewed is affected by a multiplicity of factors. Indeed, it has been previously examined that an impairment would not be viewed as a disability in the context of “an inclusive and comprehensively accessible environment”.¹⁹⁶

International legal framework for inclusion of persons with disabilities and special needs

Persons with disabilities and special needs have been historically marginalised and ostracised from public discourse, in regard to “education, employment, housing, transport, cultural life and access to public places and services”¹⁹⁷. They have often been confined to segregated institutions, such as different educational facilities and residential areas¹⁹⁸, which is precisely why it is of utmost importance to provide the appropriate safeguards and an established framework for their inclusion and recognition as full-fledged members of society - having equal human rights and opportunities and participating on an equal level in political, civil, economic, social and cultural life. While significant progress has been noted in regard to their social inclusion, improvement in the terminology used and media representation, issues still persist that need to be addressed, including “misunderstanding and discrimination”

¹⁹³ UN World Health Organisation (WHO), ‘Key Facts’, Disability and Health, [website], 2018, <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>, (accessed 28 November 2019).

¹⁹⁴ UN World Health Organization (WHO), World Report on Disability, 2011, WHO/NMH/VIP/11.01 https://www.who.int/disabilities/world_report/2011/report.pdf, (accessed 28 November 2019).

¹⁹⁵ UN World Health Organisation (WHO), Disabilities, [website], <https://www.who.int/topics/disabilities/en/>, (accessed 28 November 2019).

¹⁹⁶ CBM, ‘Disability Inclusive Development Toolkit’, [cbm.org](https://www.cbm.org/fileadmin/user_upload/Publications/CBM-DID-TOOLKIT-accessible.pdf), [website], p.13, https://www.cbm.org/fileadmin/user_upload/Publications/CBM-DID-TOOLKIT-accessible.pdf, (accessed 28 November 2019).

¹⁹⁷ United Nations, ‘Overview of International Legal Frameworks’, Enable, 2007, <https://www.un.org/esa/socdev/enable/disovlf.htm>, (accessed 29 November 2019).

¹⁹⁸ T.R. Parmenter, ‘The present, past, and future of the study of intellectual disability: challenges in developing countries’, *Salud Publica Mex*, 50 Suppl 2:s.124-31, 2008, <https://www.ncbi.nlm.nih.gov/pubmed/18470339>, (accessed 29 November 2019).

¹⁹⁹, as well as the tendency to equate the individual with their disability, which exacerbates the problem and contributes to their marginalization.

Social inclusion means that everybody, regardless of personal characteristics, can fully and equally participate in all spheres of life without facing undue discrimination.²⁰⁰ This is namely what falls within the scope of the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, which allow for state parties to recognize the mandate of the Committee on the Rights of Persons with Disabilities to address individual complaints. Furthermore, the Charter on Inclusion of Persons with Disabilities in Humanitarian Action is aimed at making humanitarian action inclusive of disabled persons, by committing to five principles, namely: non-discrimination, participation, inclusive policy, inclusive response and services, and cooperation and coordination.²⁰¹ Also, the World Report on Disability was created in order to serve as a guide on the best implementation of the provisions under the Convention on the Rights of Persons with Disabilities and the achievement of optimal results. What is more, persons with disabilities and persons in vulnerable situations are acknowledged within the Sustainable Development Goals 2030 eleven times and the aim of the campaign Envision 2030 is to fully include them in all SDGs by 2030.²⁰² However, more is needed to be done and it is critical to give better consideration to their needs, as exemplified by the UN Flagship Report on Disability and Development 2018, showing that such persons are still sidelined when it comes to the objectives covered by each of the goals.²⁰³ For this reason, Mosharraf Hossain called for participation of marginalized people “from the grassroots to the global level”.²⁰⁴ Social inclusion of people with disabilities and special needs, however, is not as straightforward as it may seem, due to the fact that such people may not have a single common denominator, apart from the mere fact that they have a disability/special need. This principle of “commonality of disability”²⁰⁵, therefore may not withstand the

¹⁹⁹ P. T. Jaeger and C.A. Bowman, *Understanding Disability: Inclusion, Access, Diversity, and Civil Rights*, Greenwood Publishing Group, 2005, p.165, <https://books.google.bg/books?id=36JTzUCh9v0C&printsec=frontcover&dq=inclusion+of+persons+with+disabilities&hl=bg&sa=X&ved=0ahUKEwiQ5t3ozsPkAhVlfZoKHcX5DoUQ6AEIYzAH#v=onepage&q=inclusion%20of%20persons%20with%20disabilities&f=false>, (accessed 29 November 2019).

²⁰⁰ W. Molle, *Economic Governance in the EU: Implementing Policies with the Financial and Coordination Modes*, Routledge Studies in the European Economy, Taylor & Francis, 2011, p.336, https://books.google.bg/books?id=FhaKKrhNQUQC&pg=PA278&lpg=PA278&dq=%22social+inclusion+is+about+making+sure%22&source=bl&ots=p_Zh_oH9LN&sig=ACfU3U3l3y_acgw6llyKfURngv1IOSStUCQ&hl=bg&sa=X&ved=2ahUKEwix9e-K5cPkAhUvyKYKHfxQBQMQ6AEwAXoECAkQAQ#v=onepage&q=%22social%20inclusion%20is%20about%20making%20sure%22&f=false, (accessed 29 November 2019).

²⁰¹ Ibid.

²⁰² United Nations, ‘#Envision2030: 17 goals to transform the world for persons with disabilities, Department of Economic and Social Affairs’, <https://www.un.org/development/desa/disabilities/envision2030.html>, (accessed 29 November 2019).

²⁰³ United Nations, ‘UN Flagship Report on Disability and Sustainable Development Goals’, Department of Economic and Social Affairs Disability, <https://www.un.org/development/desa/disabilities/publication-disability-sdgs.html>, (accessed 29 November 2019).

²⁰⁴ M. Hossain, *UN Sustainable Development Summit 2015, Interactive Dialogue 1: Ending Poverty and Hunger*, [statement], ADD International UK, 2015.

²⁰⁵ V. Finkelstein, ‘The commonality of disability’, in J. Swain, V. Finkelstein, S. French, & M. Oliver (eds.), *Disabling barriers—Enabling environments* (pp. 9-16), 1993, Thousand Oaks, CA, US: Sage Publications, Inc; Maidenhead, BRK, England: Open University Press.

modern test for inclusion, since, based on personal needs and characteristics, interests of disabled people, as well as their notion of inclusion may vastly diverge.²⁰⁶

2.5.2 How to recognise exclusion of persons with disabilities and special needs?

In order to recognize and measure social exclusion of persons with disabilities and special needs, the use of multiple indicators from pre-existing data and qualitative measures has been suggested as the most common approach.²⁰⁷ Recognition of such exclusion can come about by “observing, asking questions and listening”²⁰⁸, which is the first step towards establishing a more inclusive society. Indeed, greater visibility of persons with disabilities and special needs will become possible by establishing more and more inclusive mechanisms and practices aimed at understanding their needs, as well as the hardships they go through, which would lead to a mindset change amongst medical professionals, policy makers and the general public - “normalizing” the topic of disability and making it a part of public discourse and mainstream politics.

2.5.3 What are the main issues with exclusion of persons with disabilities and special needs of public services?

Excluding persons with disabilities and special needs from public services breaches their fundamental human rights, enshrined within numerous local, regional, as well as international human rights instruments. For example, Article 2 of the Universal Declaration of Human Rights recognises the principle of non-discrimination, which includes “other status” as one of the bases, and Article 25 recognises the right of individuals to all “necessary social services”. The issues that arise from the exclusion of persons with disabilities and special needs from public services are manifold as they include essential areas such as employment (includes access to skills development), healthcare, education and housing, access to which is of primary importance for the overall welfare of individuals and would otherwise infringe upon vital aspects of their life and dignity.

Employment. Article 27 of the Convention on the Rights of Persons with Disabilities makes it a requirement that “States Parties recognize the right of persons with disabilities to work, on an equal basis with others”, and “prohibits discrimination on the basis of disability”, including working in segregated work environments that limits their chances for professional development and capabilities.²⁰⁹ More employment opportunities must be created for persons with disabilities and special needs in the public sector. Studies show that a “massive employment gap” still persists as people

²⁰⁶W. Sherlaw and H. Hudebine, ‘The United Nations Convention on the rights of persons with disabilities: Opportunities and tensions within the social inclusion and participation of persons with disabilities’, *Alter*, vol. 9(1), p.9-21, 2015, ScienceDirect, <https://reader.elsevier.com/reader/sd/pii/S1875067214000649?token=C4C548A9B1759D4D389B7D29660BC8178E04A7FD1ACE8B7867AC119D6DD41877F03845F01A497AB45DCA16D7211CABB7>, (accessed 29 November 2019).

²⁰⁷ Ibid.

²⁰⁸ R. Voorend, ‘How designing for inclusion can help develop better products for all’, *uxdesign.cc*, 2019, <https://uxdesign.cc/how-designing-for-disability-can-help-to-develop-better-products-for-all-c703b489194e>, (accessed 29 November 2019).

²⁰⁹ A. Gottlieb, W. N. Myhill and P. Blanck, ‘Employment of People with Disabilities’, in J.H. Stone and M. Blouin (eds.), *International Encyclopedia of Rehabilitation*, Center for International Rehabilitation Research Information and Exchange (CIRRIE), 2010, https://www.researchgate.net/publication/287241020_Employment_of_People_with_Disabilities, (accessed 29 November 2019).

with disabilities, who are capable of joining the workforce, are denied that possibility and are generally more than half less likely to be hired in contrast with people that do not have disabilities.²¹⁰

Healthcare. The WHO identifies several barriers that people with disabilities and special needs face when seeking to access healthcare services. Recent survey results show that the majority of people with serious mental disorders, both in developing and developed countries, have serious difficulties in receiving appropriate treatment and are, therefore, more susceptible to health risks²¹¹. Many developing countries, for example, do not provide appropriate training for healthcare professionals- a problem that is further exacerbated by lack of services and funding.

Education. Article 24 of the Convention on the Rights of Persons with Disabilities requires from states parties to the Convention to “recognize the right of persons with disabilities to education”, “without discrimination” and “on the basis of equal opportunity”. There has been a systematic failure by education systems to include children with disabilities as part of their environment. Both the lack of access to school and the existence of adequate approaches and resources for providing education to children with disabilities have been identified as major issues.²¹²

Housing. There is a lack of housing options that appropriately accommodate persons with disabilities and special needs, thus making it more onerous for them to go on with their everyday lives, turning the need for “supportive housing” into a pressing concern.²¹³ In 2017, the UN Special Rapporteur on the right to housing focused on the right to adequate housing of persons with disabilities in her report for the 72nd Session of the United Nations General Assembly, stressing that often such persons are subject to discriminatory practices “in all aspects of housing, whether access, design or policy development and implementation”.²¹⁴

2.5.4 How to guarantee inclusion of persons with disabilities and special needs in public services?

Inclusion of persons with disabilities and special needs in general can be achieved by introducing “legislation, policy changes, capacity building, or technological developments”, compliant with the Convention on the Rights of Persons with

²¹⁰ B. Paynter, ‘People with disabilities face a massive employment gap’, Fast Company, [website], 2019, <https://www.fastcompany.com/90309504/people-with-disabilities-face-a-massive-employment-gap>, (accessed 29 November 2019).

²¹¹ World Health Organisation, ‘Disability and health’, [website], 2018, <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>, (accessed 29 November 2019).

²¹² UNICEF, Education, [website], 2012, https://www.unicef.org/disabilities/index_65316.html, (accessed 29 November 2019).

²¹³ R. Koenig, ‘Supportive Housing for Persons with Disabilities: A Framework for Evaluating Alternative Models’, *Housing Studies*, vol.30(3), Taylor & Francis Online, 2015, <https://www.tandfonline.com/doi/full/10.1080/02673037.2014.953449?scroll=top&needAccess=true>, (accessed 29 November 2019).

²¹⁴ UN General Assembly, Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context: note/ by the Secretary General, 12 July 2017, A/72/128, (accessed 29 November 2019).

Disabilities²¹⁵, so that suitable national policies and guidelines could be developed.²¹⁶ They must be aimed at raising better awareness regarding the needs of such people, ensuring the lawful data collection of persons with disabilities, so that more information could be accessed by practitioners in order to shed further light on the specificities of each disability, as well as allocating additional resources and funding so that those needs could be adequately addressed.²¹⁷

Saving money by involving disabled people in the decision-making process- Leicester City Council - Between 2006 and 2008, Leicester Council worked with voluntary sector organisations to listen to the experiences of blind and partially sighted people who used the city centre. They also set up **an Inclusive Design Advisory Panel (IDAP)**, with the purpose of advising council planners about the implications of their plans for disabled people. The Panel is chaired by a councillor with an interest in inclusive design, and disabled people and disabled groups are involved in running it. In order to ensure that the needs of disabled people (such as parking) are met in the future, all planning and design projects now come through the Panel.

Reference: Equality and Human Rights Commission, Financial benefits, equalityhumanrights.com, [website], 2019, <https://www.equalityhumanrights.com/en/advice-and-guidance/financial-benefits>, (accessed 29 November 2019).

Employment. Inclusion of persons with disabilities and special needs in the workforce, and removal of the currently existing employment gap in this regard, can be made possible if the biopsychosocial model becomes widespread, so that newly introduced policies incorporate a more expansive and multifaceted approach to inclusion within their frameworks. It has been suggested that “individuals with disabilities need to be in customized or supported employment, rather than in sheltered and segregated settings”, thus both making the necessary accommodations in order to meet their specific needs and still fully including them in the workforce so that they earn “fair and equal wages” and enjoy the social/cultural aspects of being employed.²¹⁸

²¹⁵ UN General Assembly, Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106.

²¹⁶ World Health Organisation, ‘Disability and health’, [website], 2018, <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>, (accessed 29 November 2019).

²¹⁷ Ibid.

²¹⁸ A. Gottlieb, W. N. Myhill and P. Blanck, ‘Employment of People with Disabilities’, in J.H. Stone and M. Blouin (eds.), International Encyclopedia of Rehabilitation, Center for International Rehabilitation Research Information and Exchange (CIRRIE), 2010, https://www.researchgate.net/publication/287241020_Employment_of_People_with_Disabilities, (accessed 29 November 2019).

In 2004, Marks & Spencer (M & S) launched **Marks & Start**, a work experience programme that serves youth, homeless people, people with disabilities and single parents. Programme participants receive a two-to-four week placement in an M&S store or office and a 'buddy' (an M&S employee) supports them during that time. About 30 per cent of the 700 Marks & Start participants per year have some sort of disability. In working with people with disabilities, the company partnered with DisabledGo, a disability organization based in the United Kingdom, which offers pre- and post- placement support and guidance for Marks & Start participants. References: Marks & Spencer, Sustainability, [website], <http://plana.marksandspencer.com/media/pdf/planA-2010.pdf>, (accessed 29 November 2019).

Healthcare. As already mentioned above, quality training of rehabilitation professionals is required in the context of working with people with disabilities and special needs. What is more, practices have shown that, in the absence of such sufficient professional resources, training programs for “mid-level workers, therapists and technicians” have produced positive results.²¹⁹ A multidisciplinary approach, and establishing good coordination within its framework, are also encouraged.²²⁰ To this end, it has been suggested to incorporate the biopsychosocial model of disability within “(electronic) hospital record and information systems” in order to enhance the relevant services provided to persons with disabilities.²²¹ Indeed, the concept of digital health has been expanding in recent years, however, in order for health care providers to receive proper training, expanding the biopsychosocial model to a “biopsychosocial digital model” has been proposed to be established.²²² What is more, by way of mainstreaming digital health through different ICTs in health care provision, all patients, including people with disabilities and special needs, become more empowered in participating and having a say in their own care and treatment.²²³ However, in order to successfully implement ICTs, such as health sensors, electronic health records, health apps, VR devices and telemedicine,²²⁴ the need for adequate coaching of health care providers must be reiterated.

Education. UNICEF makes multiple suggestions on ensuring inclusion of children with disabilities in education, such as “accessible and inclusive learning spaces” that would make it easier for such children to physically navigate around the premises and would ensure that appropriate learning materials are adapted to their specific needs. ICTs can greatly facilitate students with disabilities by incorporating “simplified screens and instructions, consistent placement of menus and control features, graphics

²¹⁹ UN World Health Organization (WHO), World Report on Disability, 2011, WHO/NMH/VIP/11.01 <https://www.who.int/disabilities/worleport/2011/report.pdf>, (accessed 28 November 2019).

²²⁰ Ibid.

²²¹ D. T. Wade and P. W. Halligan, ‘The biopsychosocial model of illness: a model whose time has come’, *Clinical Rehabilitation*, vol. 31(8) 995-1004, SAGE, 2017, <https://journals.sagepub.com/doi/pdf/10.1177/0269215517709890>, (accessed 29 November 2019).

²²² Ibid.

²²³ Ibid.

²²⁴ A. Ahmadvand, et al., ‘The Biopsychosocial-Digital Approach to Health and Disease: Call for a Paradigm Expansion’, *J Med Internet Res.*, vol. 20 (5): e189, NCBI, 2018,

combined with text, audio feedback, ability to set pace and level of difficulty, appropriate and unambiguous feedback, and easy error correction.”²²⁵ UNICEF also promotes adequate training of teaching professionals, monitoring and collection of data, as well as taking a “multi-sectoral approach” and also involving the community in the inclusion process.²²⁶

Vodafone Foundation improving education opportunities for refugees in Tanzania

Vodafone Foundation has recently expanded its **Instant Network Schools project** to cover six schools (3 primary and 3 secondary) in Nyarugusu refugee camp in Tanzania. Instant Network Schools enable young refugees and teachers to access digital educational content and the internet improving the quality of education. Instant Classroom is a digital ‘school in a box’ which brings tablet-based teaching to refugee camps in remote areas where power and internet connectivity are unreliable or non-existent. Teachers build basic lessons onto a central laptop using the Instant Network School kit. Each Instant Classroom is equipped with a laptop, 25 tablets pre-loaded with educational software, a speaker, projector and hotspot modem with 3G connectivity. There is huge demand for the tablets, which are enabling students to expand their knowledge of the world outside the camp, using the technology to search for images and videos for the first time, whilst improving their quality of education.

Reference: GSMA, ‘Projects to Watch: Case Studies’, Refugees and Connectivity, [website], <https://www.gsma.com/refugee-connectivity/projects-to-watch/>, (accessed 29 November 2019).

Housing. In her report, the UN Special Rapporteur on the right to housing sheds light on the necessity for compliance of domestic law with fundamental human rights provisions under international law in regard to adequate housing. In turn, this requires “full inclusion and participation in the community”²²⁷ and an “adequate standard of living”.²²⁸ The report also lists the key components of adequate housing, relevant to persons with disabilities, namely: security of tenure; affordability; availability of services; habitability; location; and cultural adequacy.

To ensure inclusion of persons with disabilities and special needs, authorities and private actors must:

X	
	Ensure the full inclusion and participation of such persons in the public sphere.
	Provide more employment opportunities for persons with disabilities and special needs and not limit them to segregated work environments.

²²⁵ UNESCO, ‘Brief 4: Information and communication technology (ICT) in education’, Learning Portal, [website], 2019, <https://learningportal.iiep.unesco.org/en/issue-briefs/improve-learning/curriculum-and-materials/information-and-communication-technology-ict>, (accessed 28 November 2019).

²²⁶ UNICEF, Education, [website], 2012, https://www.unicef.org/disabilities/index_65316.html, (accessed 29 November 2019).

²²⁷ UN General Assembly, Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, Article 19.

²²⁸ UN General Assembly, Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, Article 28.

	Provide better access to school, as well as adequate approaches, materials and resources in regard to children with disabilities and special needs.
	Mainstream digital health through ICTs and adopt the biopsychosocial digital model of disability in the healthcare sector in order to enhance existing services.
	Provide quality training of rehabilitation professionals.
	Provide sufficient funding to meet the housing needs of persons with disabilities.
	Put in place suitable national policies and guidelines aimed at raising better public awareness of the needs of persons with disabilities and special needs.

2.6 INCLUSION AND E-GOVERNANCE

2.6.1 What is e-governance?

The importance of digital technologies has been emphasized in the Europe 2020 agenda as “key to mainstreaming priorities”²²⁹. E-governance is the short term for electronic governance, “based on a common access to the Internet”²³⁰, and it means the incorporation and application of ICTs (Information and Communication Technologies) into the work of government agencies, including government “functions, processes, practices, and actions” implemented digitally.²³¹ ICTs comprise all technologies, connected to the Internet, consisting of both hardware and software,²³² including revolutionary innovations, such as “Cloud Computing, Big Data and Internet of Things”²³³, are said to be the main actors that advance the so-called “knowledge economy”²³⁴ – in other words, they make the distribution of knowledge widespread all over the world.

The European Commission has established the following set of principles regarding e-governance²³⁵: Digital by Default; Once only principle; Inclusiveness & accessibility; Openness & transparency; Cross-border by default; Interoperability by default; and Trustworthiness & Security.

²²⁹ I. Tsonev, Public Services for the 21st Century: Comparative Analysis of the E-Reforms in Estonia, Buglaria, and Romania, European Liberal Forum, 2016, http://www.fnf-southeasteurope.org/wp-content/uploads/2016/11/Re-designing-public-services-for-the-21st-century_ENG.pdf, (accessed 29 November 2019).

²³⁰ K. Sztop-Rutkowska, et al., ‘E-Government Closer to the People’, E-citizen – effective inclusion through e-governance services, [website], Erasmus+ Programme of the European Union, 2019, <http://dilersur.com/wp-content/uploads/2019/04/e-book-final-28.04.2019-1.pdf>, (accessed 29 November 2019).

²³¹ M. Kesti, A. Syväjärvi and Jari Stenvall, ‘E-HRM in Competence Recognition and Management’, Encyclopedia of Human Resources Information Systems: Challenges in e-HRM, p.293-300, GI Global, 2009, <https://www.igi-global.com/dictionary/cyber-capability-framework/8702>, (accessed 29 November 2019).

²³² OECD, *Connected Minds: Technology and Today’s Learners*, Educational Research and Innovation, OECD Publishing, Paris, 2012, https://www.oecd-ilibrary.org/education/connected-minds_9789264111011-en, (accessed 29 November 2019).

²³³ A. Sideridis, et al., ‘Smart cross-border e-Gov systems: An application to refugee mobility’, International Journal of Electronic Governance, vol. 9 (3/4): 246, 2019, ResearchGate, https://www.researchgate.net/publication/321410094_Smart_cross-border_e-Gov_systems_An_application_to_refugee_mobility, (accessed 29 November 2019).

²³⁴ W. W. Powell and K. Snellman, ‘The Knowledge Economy’, Annual Review of Sociology, vol. 30 (1): 199-220, 2004, Research Gate, https://www.researchgate.net/publication/234838566_The_Knowledge_Economy, (accessed 29 November 2019).

²³⁵ European Commission, ‘Communication: EU eGovernment Action Plan 2016-2020 – Accelerating the digital transformation of government’, DG CONNECT, 2016, <https://ec.europa.eu/digital-single-market/en/news/communication-eu-egovernment-action-plan-2016-2020-accelerating-digital-transformation>, (accessed 29 November 2019).

2.6.2 Why is e-governance important for inclusion?

E-governance can prove to be the harbinger of full inclusion, as it can serve as “a gateway to social inclusion and transparency”, including by boosting citizen participation through electronic means and thereby empowering them, regardless of their socio-economic status in society.²³⁶ In practice, this means that even individuals, generally excluded and marginalized from public discourse, would have a platform to be heard and for their needs to be taken into consideration²³⁷, in a “faster, cheaper, and more comfortable manner”.²³⁸ Therefore, e-governance can be considered as laying down the foundations of a “digital democracy”, introducing a SMART government (simple, moral, accessible and responsive).²³⁹

Foundation Activation, in a partnership with 3 other NGOs, implements the “**Estrong**” project in 100 Polish municipalities. The aim of “E-strong” is to increase the Internet literacy (including e-services) for over 18,000 adults who have not yet used the possibilities of a computer with Internet access. In this project, there are ICT trainings organized and participants are able to learn about different spheres and how to access them with available e-services, namely: work and professional development; relations with loved ones; education; resting and hobby; health; finances; religion and spiritual needs; everyday matters; civic engagement.

Reference: K. Sztop-Rutkowska, et al., ‘E-Government Closer to the People’, E-citizen – effective inclusion through e-governance services, Erasmus+ Programme of the European Union, 2019, <http://dilersur.com/wp-content/uploads/2019/04/e-book-final-28.04.2019-1.pdf>, (accessed 29 November 2019).

Furthermore, political inclusion would be achieved due to the fact that everyone would have an equal access to public information and would therefore become more aware of public policy.²⁴⁰ This is further supported by a United Nations report which deems e-governance “an effective tool for facilitating integrated policies and public service”, for instance through using “open data and participatory decision making”.

The Okinawa Charter also mentions the importance of e-governance and ICTs in the eradication of the so-called global digital divide. The notion constitutes the divide between rich developed countries which can freely and easily access the Internet and other telecommunication services, and the poor developing countries that have either limited or no access at all. In an age of globalisation, primarily led by ICTs, such a divide marginalises the latter and worsens the state of global inequality and socio-

²³⁶ T. Ashraf, ‘Equality, Inclusion and Empowerment through E-Governance: Leveraging and Repositioning Libraries to Support National Digital Programmes’, IFLA WLIC 2016 WROCLAW, 2017, <http://library.ifla.org/1606/1/189-ashraf-en.pdf>, (accessed 29 November 2019).

²³⁷ R. Petrauskas, T. Bilevičienė and A. Kiškienė, ‘E-Inclusion as the Part of E-Government Development in Lithuania’, VIEŠOJI POLITIKA IR ADMINISTRAVIMAS, 2008, https://www.mruni.eu/upload/iblock/912/5_r.petrauskas%20ir%20kt..pdf, (accessed 29 November 2019).

²³⁸ K. Sztop-Rutkowska, et al., ‘E-Government Closer to the People’, E-citizen – effective inclusion through e-governance services, [websites], Erasmus+ Programme of the European Union, 2019, <http://dilersur.com/wp-content/uploads/2019/04/e-book-final-28.04.2019-1.pdf> (accessed 29 November 2019).

²³⁹ M. Aryal (ed.), ‘What is E-Governance? What is The Type of E-Governance?’, ICT Frame, <https://ictframe.com/what-is-e-governance-what-is-the-type-of-e-governance/>, (accessed 29 November 2019).

²⁴⁰ R. Petrauskas, T. Bilevičienė and A. Kiškienė, ‘E-Inclusion as the Part of E-Government Development in Lithuania’, VIEŠOJI POLITIKA IR ADMINISTRAVIMAS, 2008, https://www.mruni.eu/upload/iblock/912/5_r.petrauskas%20ir%20kt..pdf, (accessed 29 November 2019).

political inclusion. To this end, the Tunis Agenda for the Information Society²⁴¹ promotes the implementation of e-government tools and ICTs in low-income countries in order to bridge the digital divide between them and high-income countries. Suggestions to do this include cooperation on an international, national and regional levels, harmonisation of the existing legal framework, providing individuals with the necessary education so that they can have e-readiness and acquire digital literacy, ensuring active citizen participation and involvement in the policy- and decision-making process, including ICTs that will help make information readily accessible and will contribute to enriching citizens' knowledge, and also incorporating ICTs that will improve the quality of life overall – for example, introducing the benefits of e-health services.²⁴²

The public services, made available through e-governance, operate within the context of Government-to-Citizens (G2C), Government-to-Business (G2B), and Government-to-Government(G2G) services.²⁴³

1. Government-to-Citizens (G2C)

Having government provide public services to citizens in a transparent and an accountable manner is the basic democratic foundation for the establishment of e-governance and, therefore, the majority of services are mostly tailored towards them. This relationship between the public administration on one hand and citizens on the other, comprises a vast area of services, including, but not limited to, the possibility of the latter to vote, pay taxes and file tax returns, look up and download all publicly available information on social benefits and housing, pay utility bills and fines, apply for a student's loan, renew identification documents, get updates on application status, receive real time alerts, getting informed on child benefits and childcare, as well as on one's legal rights and how to bring an action in court, on visas and emigration, on employment opportunities, certification and e-health, amongst others.

2. Government-to-Business (G2B)

E-governance is also used within the context of relations between government agencies and private enterprises. It is especially convenient as it provides easily accessible online links to government agencies and facilitates businesses in the areas of procurement, the updating of corporate information, e-learning, online meetings,²⁴⁴ online corporate tax payment information on legal procedures, such as renewal of documentation, as well as reduction of bureaucracy.²⁴⁵ What is more, such online G2B services shed further light on both government projects and how private enterprises conduct their businesses - enhancing transparency and accountability in the process.²⁴⁶

²⁴¹ World Summit on the Information Society: Geneva 2003 – Tunis 2005, 'Tunis Agenda for the Information Society', WSIS-05/TUNIS/DOC/6(Rev. 1)-E, 2005, <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>, (accessed 29 November 2019).

²⁴² A. Stoiciu, 'The Role of e-Governance in Bridging the Digital Divide', UN Chronicle, vol. XLVIII No. 3, 2011, <https://unchronicle.un.org/article/role-e-governance-bridging-digital-divide>, (accessed 29 November 2019).

²⁴³ S. S. Dasgupta, 'Cyber Security Framework: A Tool to evaluate ICT for Development Projects', Handbook of Research on ICTs for Human-Centered Healthcare and Social Care Services, p.8, 2013, <https://www.igi-global.com/dictionary/cyber-capability-framework/8702>, (accessed 29 November 2019).

²⁴⁴ Management Mania, 'G2B (Government to Business)', 2017, <https://managementmania.com/en/g2b-government-to-business>, (accessed 29 November 2019).

²⁴⁵ T. Yablonskaya, 'Types of Ecommerce: General Overview, Examples and Success Tips', ScienceSoft, [website], 2019, <https://www.scnsoft.com/blog/types-of-ecommerce>, (accessed 29 November 2019).

²⁴⁶ M. Aryal (ed.), 'What is E-Governance? What is The Type of E-Governance?', ICT Frame, <https://ictframe.com/what-is-e-governance-what-is-the-type-of-e-governance/>, (accessed 29 November 2019).

3. Government-to-Government (G2B)

G2G includes enhanced communication and information sharing between government agencies. There are generally two types of G2G services- namely, internal facing, meaning at the local and national level, and external facing, which concerns mutual cooperation and coordination at the international level, thus promoting “international diplomacy and relations”²⁴⁷. This, in turn, reduces bureaucracy and employees’ time for task completion, and it also provides more efficient services to citizens.²⁴⁸ Government-to-Government services may include, but are not limited to: electronic exchange of documents, sharing of public administration registers and databases etc.

2.6.3 What are the main issues related to e-governance and inclusion in public services?

The chief prerequisite for inclusion through e-governance in relation to public services, is the process itself of the successful development of e-governance so that it is efficient in meeting citizens’ needs, as well as in addressing and resolving any potential issues they may have.²⁴⁹ Indeed, the preconditions for both an efficient and effective e-governance system range “from strategy to organization, from security to change in culture”.²⁵⁰

Following from this, one of the main challenges for guaranteeing inclusion through e-governance is ensuring the availability public services when it comes to disadvantaged groups and minorities. Oftentimes, such services exclude migrants and refugees, since they are not available in their language, as well as preclude the elderly, illiterate persons and persons with disabilities from using them by not adapting them to any special needs such persons may have, both leading to exclusion and discrimination.

2.6.4 How to design e-governance to ensure inclusion in public services?

E-governance has the ambitious aim to empower citizens through e-inclusion²⁵¹. Concerning the design, for example, after listing the 8 best e-governance websites around the world, FutureGov²⁵² places the existence of a user-friendly interface as a main priority when designing access to e-governance. More precisely, it mentions noticeable search bars and icons, simplicity of information and content, themes based on user interest (therefore providing more personalised and customised services), availability of content on multiple electronic devices, as well as in multiple languages to ensure for maximum inclusion.

²⁴⁷ Ibid.

²⁴⁸ A. F. Realini, ‘G2G E-Government: The Big Challenge for Europe’, PhD Thesis, University of Zurich, 2004, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.89.2317&rep=rep1&type=pdf>, (accessed 29 November 2019).

²⁴⁹ B2B, ‘Challenges to e-governance and requirements for successful implementation’, civilsdaily.com, 2017, <https://www.civilsdaily.com/challenges-to-e-governance-and-requirements-for-successful-implementation/>, (accessed 29 November 2019).

²⁵⁰ A. F. Realini, ‘G2G E-Government: The Big Challenge for Europe’, PhD Thesis, University of Zurich, 2004, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.89.2317&rep=rep1&type=pdf>, (accessed 29 November 2019).

²⁵¹ I. Koneru, ‘e-Governance: Empowering Citizens Through e-Inclusion’, The IUP Journal of Governance and Public Policy, IUP Publications, vol. 0(3), p.53-68, IDEAS, 2007, <https://ideas.repec.org/a/icf/icfjgp/v02y2007i3p52-68.html>, (accessed 30 November 2019).

²⁵² D. Meskill, ‘The Best E-gov Websites in the World’, Digital.gov, [websit], 2014, <https://digital.gov/2014/12/31/the-best-e-gov-websites-in-the-world/>, (accessed 30 November 2019).

Also, the implementation of “eDemocracy and eParticipation tools”²⁵³ within the public services framework will not only work towards achieving inclusion, but it will also help boost the public confidence within government structures in general, it will improve their levels of accountability and transparency, seeing that such tools pave the way towards a digital participatory democracy. Furthermore, e-governance should also provide for quick and efficient network connectivity, and can also introduce Chief Information Officers for the management and implementation of the systems, as well as monitoring and evaluation procedures in place.²⁵⁴

Of course, different individuals have different levels of understanding when it comes to new digital technologies. Therefore, in order to prevent the even further exclusion of people²⁵⁵ who are not technology-savvy, appropriate training courses must be introduced that would help lift the barriers to e-inclusion.

For the purposes of this chapter, we will take a further look into the two categories of individuals that seem to be the most vulnerable ones in society, and the ways public services can be properly designed to ensure their tangible social and political inclusion – namely, people with disabilities and special needs; and migrants and refugees.

People with Disabilities and Special Needs

Article 26 of the Charter of fundamental rights of the EU provides that, “the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community”.

In this respect, the European Disability Strategy 2010-2020, which has as its main purpose the creation of a barrier-free Europe in regard to people with disabilities and special needs, lists 8 areas that need special consideration when it comes to including people with disabilities in the social and economic spheres, namely: Accessibility, Participation, Equality, Employment, Education and training, Social protection, Health, and External Action.

Included within the Accessibility sphere is also the need to provide access to people with disabilities in regard to ICTs, as “only 5% of public websites comply fully with web accessibility standards” across the EU Member States.²⁵⁶

Thus, the advancement of e-governance is capable of realising those objectives by incorporating open and inclusive services that take into consideration the different needs of people with disabilities, as they can vary from “visual or hearing loss or mobility impairment, to people with developmental disorders”, such as “Intellectual Disabilities, Autism Spectrum Disorder (ASD), communication disorders, attention-deficit” and so on. One example of achieving this is applying the Web Content

²⁵³ Clarity Project, ‘E-Government Solutions for Persons with Disabilities from the Clarity Project’, The Global Initiative for Inclusive ICTs, [website], 2018, <https://g3ict.org/headlines/e-government-solutions-for-persons-with-disabilities-from-the-clarity-project>, (accessed 30 November 2019).

²⁵⁴ I. Koneru, ‘e-Governance: Empowering Citizens Through e-Inclusion’, The IUP Journal of Governance and Public Policy, IUP Publications, vol. 0(3), p.53-68, IDEAS, 2007, <https://ideas.repec.org/a/icf/icfjgp/v02y2007i3p52-68.html>, (accessed 30 November 2019).

²⁵⁵ K. Sztop-Rutkowska, et al., ‘E-Government Closer to the People’, E-citizen – effective inclusion through e-governance services, [website], Erasmus+ Programme of the European Union, 2019, <http://dilersur.com/wp-content/uploads/2019/04/e-book-final-28.04.2019-1.pdf>, (accessed 29 November 2019).

²⁵⁶ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, COM(2010) 636 final, 2010, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2010%3A0636%3AFIN%3Aen%3APDF>, (accessed 30 November 2019).

Accessibility Guidelines (WCAG) 2.1²⁵⁷, however, it must be taken into consideration that the Guidelines still do not offer an all-inclusive coverage and are therefore subject to improvement in the future.

Discapnet is a portal for people with disabilities in Spain that follows WCAG accessibility guidelines. In its design, the emphasis has been put on universal accessibility. Discapnet was built by the Foundation ONCE and an ICT company. While it is non-governmental, it has been developed in collaboration with government agencies. The portal publishes employment boards and employment policies that aim to support the insertion of people with disabilities in the job market. Reference: Clarity Project, 'E-Government Solutions for Persons with Disabilities from the Clarity Project', The Global Initiative for Inclusive ICTs, 2018, <https://g3ict.org/headlines/e-government-solutions-for-persons-with-disabilities-from-the-clarity-project>, (accessed 30 November 2019).

Another viable possibility includes the implementation of biometric identification as an easier alternative for access to digital services, also including the usage of eIDAS services in that matter.²⁵⁸ Member States can also advance the development of a “one-stop-shop” model of e-governance, which collects, on a single portal, all the important and relevant information of people with disabilities and special needs, including all the services available to them and the way to access them. For instance, this can be greatly facilitated through the creation of a disability helpline, as well as apps, especially fit for the purpose, thus making services more “mobile-friendly”²⁵⁹. Furthermore, in order to speed up the inclusion process, it is important to involve not only people with disabilities, but also those individuals (family, friends, professional workers) that take care of their well-being and provide them with assistance and support on an everyday basis.

Migrants and Refugees

The UN Convention Relating to the Status of Refugees 1951 and its Option Protocol 1967 grant refugees multiple rights, including access to court, wage-earning employment, housing, public education, social security, freedom of movement, identity papers and travel documents, among others. What is more, both asylum seekers and refugees have the right to avail themselves of the human rights enshrined within the international human rights instruments.²⁶⁰ Also, there is a statutory basis²⁶¹ for protection in regard to “the execution of any measures calculated to improve the situation of refugees”, the promotion of “voluntary repatriation or assimilation within new national communities”, the promotion of the “admission of refugees”, as well as “for refugees to transfer their assets”.

²⁵⁷ W3C Recommendation, 'Web Content Accessibility Guidelines (WCAG) 2.1', 2018, <https://www.w3.org/TR/WCAG21/>, (accessed 30 November 2019).

²⁵⁸ Clarity Project, 'E-Government Solutions for Persons with Disabilities from the Clarity Project', The Global Initiative for Inclusive ICTs, [website], 2018, <https://g3ict.org/headlines/e-government-solutions-for-persons-with-disabilities-from-the-clarity-project>, (accessed 30 November 2019).

²⁵⁹ Clarity Project, 'E-Government Solutions for Persons with Disabilities from the Clarity Project', The Global Initiative for Inclusive ICTs, [website], 2018, <https://g3ict.org/headlines/e-government-solutions-for-persons-with-disabilities-from-the-clarity-project>, (accessed 30 November 2019).

²⁶⁰ UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 20, Human Rights and Refugees, July 1993, No. 20, <https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>, (accessed 30 November 2019).

²⁶¹ UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V), Article 8.

However, migrants and refugees are often not entirely aware of the full extent of their rights, which can be detrimental to their further integration and inclusion within the host country. For this purpose, ICTs and e-governance can play a crucial role in providing them with all the necessary information in an easily-accessible manner. A multiplicity of apps and web-based platforms have already been developed to facilitate refugees with topics including health, education, communication and language translation, among others.²⁶²

The Jamiya Project is a new initiative set up by four young people, including two Syrians. It aims to provide accessible and relevant higher education to Syrian refugees by bringing together European universities, displaced Syrian academics and education technology. It is currently incubated by the Alexandria Trust, a UK charity which works to improve education in the Arab region.

The Asfari Foundation is funding the Jamiya Project's pilot course using a new model of blended higher education provision for 30 Syrian refugee students in Jordan. It has partnered with the University of Gothenburg and a team of exiled Syrian academics to develop two blended short courses (Applied IT and Global Studies). Following the implementation of the pilot, the Jamiya Project is looking to develop blended foundation courses that act as a bridge between high school and university and expand its programming into other countries in the region hosting a significant number Syrian refugees.

Reference: The Asfari Foundation, The Jamiya Project, 2019, <https://www.asfarifoundation.org.uk/the-jamiya-project/>, (accessed 30 November 2019).

Nevertheless, Member States need to take a more active role and incorporate additional comprehensive digital platforms, not only for the benefit of migrants, asylum seekers and refugees, but also to inform concerned stakeholders, such as volunteers and organizations, on the possible means for contributing to their integration and inclusion²⁶³. This can include, but is not limited to, providing an exhaustive multi-language guidance for refugees on how to access the public services in the host country²⁶⁴, information for health professionals on how to assess and meet vulnerable migrants' needs, especially those of women and children²⁶⁵, as well as guidance for organisations on the existing funding pathways - one being the European Refugee Fund.²⁶⁶

The development of a multicultural environment within public administration²⁶⁷ has also had positive effects, laying down the foundations for the active participation of

²⁶² Apps For Refugees.com, 2019, <http://appsforrefugees.com/>, (30 November 2019).

²⁶³ Gov.uk, Help refugees who have come to the UK, <https://www.gov.uk/help-refugees>, (accessed 30 November 2019).

²⁶⁴ Home Office and UK Visas and Immigration, 'Welcome: a guide for new refugees', Guidance, gov.uk, [website], 2019, <https://www.gov.uk/government/publications/welcome-a-guide-for-new-refugees>, (accessed 30 November 2019).

²⁶⁵ Public Health England, 'Vulnerable migrants: migrant health guide', Guidance, gov.uk, [website], 2017, <https://www.gov.uk/guidance/vulnerable-migrants-migrant-health-guide#asylum-seekers-and-refugees>, (accessed 30 November 2019).

²⁶⁶ UK Visas and Immigration, 'Provide services for asylum applicants, refugees and migrants', Collection, gov.uk, 2015, <https://www.gov.uk/government/collections/provide-services-for-asylum-applicants-refugees-and-migrants>, (accessed 30 November 2019).

²⁶⁷ Schader Foundation, 'Interkulturelle Öffnung und Willkommenskultur in strukturschwachen ländlichen Regionen', Ein Handbuch für Kommunen. Schader-Stiftung: Darmstadt, 2014.

migrants and refugees in the development process and moving away from them being perceived solely as passive actors, that lack the desire to integrate within the local community.²⁶⁸

To ensure inclusion of public services through e-governance, authorities and private actors must:

X	
	Boost citizen participation in the policy- and the decision-making process through electronic means in order to empower them.
	Include all citizens, regardless of their socio-economic status to prevent discrimination.
	Ensure better transparency and accountability in the access to information and the provision of public services.
	Ensure access to e-governance by persons with disabilities and special needs by making it user-friendly and easy to navigate.
	Ensure access to information regarding public services by migrants and refugees to facilitate their inclusion and integration in the host country.
	Provide appropriate access to information to relevant stakeholders as well, such as volunteers and organisations, to facilitate the integration process.
	Ensure the development of a multicultural environment within public administration.

2.7 INCLUSION AND DATA PROTECTION

2.7.1 What is data protection?

Data protection is commonly defined as the law designed to protect personal data.²⁶⁹ According to Article 2 of the General Data Protection Regulation (GDPR), personal data is any information relating to an identified or identifiable natural person - the one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

Correlation of data protection with privacy

Data protection is concerned with how personal data is processed: providing the individual with rights over their data and setting up systems of accountability and clear obligations for those who control or undertake the processing of the data. Thus, the protection of personal data, though originating from the right to privacy, is recognized as a standalone right. For example, data protection has been included as a separate right under the Charter of Fundamental Rights of the European Union under Article 8 (while Article 7 of the Charter upholds the right to privacy).²⁷⁰

Overview of the data protection legislature

²⁶⁸United Nations, ‘Migrants and cities: A Public Administration Perspective on local governance and service delivery’, UN/POP/EGM/2017/11, United Nations Expert Group Meeting in Sustainable Cities, Human Mobility and International Migration, 2017, <https://www.un.org/en/development/desa/population/events/pdf/expert/27/papers/VI/paper-Blind-final.pdf>, (accessed 30 November 2019).

²⁶⁹Privacy International, ‘A Guide for Policy Engagement on Data Protection. The keys to data protection’, PART 1: Data Protection, Explained, August 2018, p. 9.

²⁷⁰European Union, Charter of Fundamental Rights of the European Union 2000 OJ C364/01 and 2010 OJ C83/389.

There are no universally recognized data protection standards, but regional and international bodies have created internationally-agreed-upon codes, practices, decisions, recommendations, guidelines, and policy instruments. The most significant instruments are as follows:

1. The Organization for Economic Co-operation and Development Guidelines on the Protection of Privacy and Transborder Data Flows of Personal Data 1980 as amended in 2013.²⁷¹ OECD Member countries have developed the Guidelines, intended to help harmonise national privacy legislation and at the same time prevent interruptions in international flows of data.
2. The Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (No. 108), 1981 as amended in 2018²⁷². This Convention is the first binding international instrument which protects the individual against abuses which may accompany the collection and processing of personal data and which seeks to regulate at the same time the flow of personal data.²⁷³
3. The United Nations Guidelines for the Regulation of Computerized Personal Data Files, adopted by General Assembly Resolution 45/95 of 14 December 1990²⁷⁴. The Guidelines set out Fair Information Practices for the use of personal data. The United Nations General Assembly recommended that governments incorporate the Guidelines into legislation and administrative regulations. They lay out ten principles to provide minimum guarantees for protection of personal data.²⁷⁵
4. European Union Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation - GDPR)²⁷⁶.
The GDPR prescribes that the personal data must be processed in a lawful and fair manner. This principle is key to addressing practices such as the selling and/or transfer of personal data that is fraudulently obtained. ‘Fairness and transparency’ are essential for ensuring that people’s data is not used in ways they would not expect. ‘Lawful’ means that data must be processed in a way that respects the rule of law and that meets a legal ground for processing. A ‘legal ground’ is a limited justification for processing people’s data set out in law, such as consent.²⁷⁷

It has to be emphasized that modern data protection law needs to take into consideration that data, including personal data, travels across borders. This raises significant and complex jurisdictional issues, including possible clashes of applicable

²⁷¹ Recommendation of the Council concerning Guidelines governing the Protection of Privacy and Transborder Flows of Personal Data (2013), [C(80)58/FINAL, as amended on 11 July 2013 by C(2013)79], https://www.oecd.org/sti/ieconomy/oecd_privacy_framework.pdf, (accessed 30 November 2019).

²⁷² Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, The Council of Europe, Strasbourg, 28.I.1981, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680078b37>, (accessed 30 November 2019).

²⁷³ Council of Europe, Details of Treaty No.108, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108>, (accessed 30 November 2019).

²⁷⁴ Guidelines for the Regulation of Computerized Personal Data Files, adopted by General Assembly resolution 45/95 of 14 December 1990, <https://www.refworld.org/pdfid/3ddcafaac.pdf>, (accessed 30 November 2019).

²⁷⁵ Electronic Privacy Information Center, Guidelines for the Regulation of Computerized Personal Data Files, https://epic.org/privacy/intl/guidelines_for_the_regulation_.html, (accessed 30 November 2019).

²⁷⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), <http://data.europa.eu/eli/reg/2016/679/oj>, (accessed 30 November 2019).

²⁷⁷ Complete guide to GDPR compliance, <https://gdpr.eu/>, [website], (accessed 30 November 2019).

national laws. It means that the data protection law should ensure that the personal data of the individual is protected, irrespective of whether their data is processed within or outside the territory where they are based.²⁷⁸

2.7.2 Why is data protection important for inclusion?

Many companies have initiatives or programs designed to enhance the diversity and inclusiveness of their workforce or applicant pools. To implement and evaluate the success of these programs, companies often must collect, use, and store personal information about their employees and applicants, such as race, gender, and ethnicity. In some jurisdictions, these types of personal information may be subject to special requirements and restrictions. For example, in countries across the EU, there are restrictions on the use of “sensitive” or “special categories” of personal information, which include race, disability, and sexual orientation.²⁷⁹

For the purposes of this chapter, we will examine two different groups of people and the ways data protection relates to their further inclusion: the first group includes the migrants and refugees; the second group relates to the persons with disabilities and special needs.

Caravan Studios developed the **Worker Connect smartphone app**, launched in 2017, for construction workers in the Arab Gulf, in collaboration with engineering and construction firm CH2M (now Jacobs). The app is intended to allow workers to anonymously report issues about food; dignity and respect; recruitment and documents; getting paid; health and safety; the worksite; travelling to the worksite; where they live; and returning home. The data generated by the app is intended to be shared with worksite welfare supervisors, as well as those higher up in the supply chain, as a dashboard with information about hotspots of concern. In order to promote two-way communication, the tool enables welfare supervisors to post information and updates.

Reference: Bassina Farbenblum, Laurie Berg, Angela Kintominas, ‘Transformative technology for migrant workers: opportunities, challenges, and risks’, Open Society Foundations, New York, USA, 2018, p. 14.

Inclusion of Migrants and Refugees and Data Protection

The inclusion of migrants and refugees means their integration into the social, economic and political environment of the particular state. Protection of the personal data of migrants and refugees is especially important in the context of their inclusion. Their rights should be protected while applying for a job, passing driving tests, using healthcare services, etc.

This section highlights the key features of an overall policy framework in which “data” is central, yet where the key tenets of data protection have been marginalized or circumvented. These features are: the conflation of border control and counterterrorism; new technologies for identity management; the worldwide

²⁷⁸Privacy International, ‘A Guide for Policy Engagement on Data Protection. The keys to data protection’, PART 1: Data Protection, Explained, August 2018, p. 12-16.

²⁷⁹Hogan Lovells, ‘Chronicle of data protection, Data Privacy Considerations for Diversity and Inclusion Initiatives’, December 18th, 2018, <https://www.hldataprotection.com/2018/12/articles/employment-privacy/data-privacy-considerations-for-diversity-and-inclusion-initiatives/> (accessed 30 November 2019).

proliferation of immigration controls; outsourcing and authoritarianism; enhanced security vetting; and the limited application of relevant human rights instruments.²⁸⁰ Attempts to control migration through the plethora of measures that have been adopted since the 9/11 terrorist attacks in the US, have coalesced around techniques of identity management centered on the deployment of biometric identification systems. From an initial emphasis on ensuring – via a unique biometric identifier – that the holder of a travel document was the person to whom it was issued, these identity management systems are now being integrated into wider law enforcement and surveillance apparatuses. And although the mandatory fingerprinting of citizens remains a (fading) redline in some countries with a civil liberties tradition, such as the UK and the US, biometric profiling is being widely deployed across the world and has fast become the norm for “non-citizens” and “aliens”, regardless of these traditions.²⁸¹ Today, so-called “smart border systems” can be used to track individuals across territories²⁸², while the databases that house the biometrics have been opened up to national security and law enforcement agencies.²⁸³ Whereas authorized travelers appear to have accepted biometric profiling as a condition of their passage, the use of biometrics in more coercive situations – for example in respect to the determination of State responsibility for asylum and expulsion policy in the EU – has led to horrific stories of refugees and migrants mutilating their fingertips to avoid immigration enforcement measures.²⁸⁴ In response, States have begun to criminalize failure to provide fingerprints to immigration officers.²⁸⁵

All these facts mean that the migrants and refugees belong to the vulnerable group that tend to be victims of the data protection violations by the both State and private companies. Thus, they need to be protected by the legislation in order to avoid violations of privacy rights concerning their personal data. Since their personal data is easily extractable by the governments as an excuse for “necessary and proportionate” restrictions, governments should create the necessary preconditions for the effective protection of such data. Although more than 100 countries now have some form of data protection law or provision,²⁸⁶ many of these do not yet amount to comprehensive data protection regimes and/or fall far short of the highest standards that have been developed in Europe (first by the Council of Europe (CoE), then the EU).²⁸⁷

²⁸⁰Nick Vaughan-Williams, *Critical Security Studies: An Introduction*, Routledge, Columbia Peoples, New York, 2010.

²⁸¹Kjetil Rommetveit, ‘Introducing Biometrics in the European Union: Practice and Imagination’, in Ana Delgado (ed.), *Technoscience and Citizenship: Ethics and Governance in the Digital Society*, Springer, Cham, 2016.

²⁸²Ben Hayes, Mathias Vermeulen, *Borderline: The EU’s New Border Surveillance Initiatives – Assessing the Costs and Fundamental Rights Implications of EUROSUR and the ‘Smart Borders’ Proposals*, research study, Heinrich Böll Foundation, Berlin, 2012.

²⁸³Costica Dumbrava, *European Information Systems in the Area of Justice and Home Affairs: An Overview*, European Parliamentary Research Service, May 2017, [www.europarl.europa.eu/RegData/etudes/IDAN/2017/603923/EPRS_IDA\(2017\)603923_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2017/603923/EPRS_IDA(2017)603923_EN.pdf), (accessed 30 November 2019).

²⁸⁴Graeme Culliford, ‘I’ve Burned off Tips of My Fingers to Get to UK’, *The Sun*, 14 June 2014, www.thesun.co.uk/archives/news/900339/ive-burned-off-tips-of-my-fingers-to-get-touk/, (accessed 30 November 2019).

²⁸⁵EU Fundamental Rights Agency, *Fundamental Rights Implications of the Obligation to Provide Fingerprints for Eurodac*, Vienna, May 2015.

²⁸⁶Marko Milanovic, ‘Foreign Surveillance and Human Rights, Part 1: Do Foreigners Deserve Privacy?’, EJIL: Talk! Blog of the European Journal of International Law, 2013, www.ejiltalk.org/foreignsurveillance-and-human-rights/, (accessed 30 November 2019).

²⁸⁷Council of Europe, *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data*, ETS 108, 28 January 1981 (entered into force 1 October 1985).

Crucially, even where these high standards do prevail, if data is processed on a statutory basis, or for the purposes of national security, the key data protection principles of individual consent and choice either do not or cannot apply, while the right to assert control over one's data is restricted in fundamental ways (for example in respect to access, correction and deletion of data).²⁸⁸

Across the world, low-waged migrant workers encounter abuses of their labour rights and other forms of mistreatment at all stages of the migration process. This includes deceptive practices by recruitment agencies, underpayment and poor and unsafe working conditions at their site of employment, and other exploitative practices that may amount to criminal forced labor or human trafficking offenses.

Regarding the personal data violations, it has to be emphasized that migrants and refugees encounter a myriad of problems resulting from the disclosure of data. The multiple risks they face come from countries of origin, host States, transit and destination States (where these States enforce repressive exclusion policies), and malevolent third parties such as non-State armed groups, criminals and even, 'hacktivists' (those who engage in the subversive use of ICTs to promote a political cause or social change), among others. All of these adversaries could potentially use their personal data in ways that prejudice their best interests, expose specific groups

& Wider is active across Africa, Asia, Europe, and Latin America, and designs indicators and surveys for clients and provides key worker engagement tools, drawing on expertise in methodologies for collecting data from vulnerable populations and establishing trust. Main target groups are migrants, third country nationals, disabled persons. Its Enhance tool uses surveys to gather productivity and commercially relevant insights from workers. With the employer as primary audience, &Wider uses this tool to encourage buyer/supplier buy-in to its Engage platform. The Enable tool offers an ongoing bidirectional communication channel for workers and management including employer notifications about changes and opportunities, and worker reporting of incidents, suggestions, feedback, and complaints (with an option for anonymity).

Reference: Bassina Farbenblum, Laurie Berg, Angela Kintominas, 'Transformative technology for migrant workers: opportunities, challenges, and risks', Open Society Foundations, New York, USA, 2018, p. 11.

or individual data subjects and their families to serious harm.

Inclusion of Persons with Disabilities and Special Needs and Data Protection

Ensuring the gathering of sufficient information for inclusion of persons with disabilities in public services requires specific attention to certain issues when collecting data and information, as does the manner in which they are collected, in order to avoid any kinds of data protection violations.

To ensure that all risks faced by persons with disabilities are taken into account, it is generally recommended to identify the barriers that hinder them from accessing and participating in humanitarian assistance and protection. While some barriers may exist prior to the humanitarian crisis, others may arise as a consequence of the crisis or

²⁸⁸European Union Agency for Fundamental Rights and Council of Europe – European Court of Human Rights, Handbook on European Data Protection Law, 2014, www.fra.europa.eu/sites/default/files/fra-2014-handbook-data-protection-law-2nd-ed_en.pdf, (accessed 30 November 2019).

even due to the humanitarian response itself. Barriers can be either classified as threat if put in place purposefully by an actor or as a vulnerability if happening as an inadvertent act. In both cases, these barriers lead to exclusion, which increases the likelihood of persons with disabilities to face threats and vulnerabilities at a higher level than the rest of the crisis-affected population.

Preventing and removing the barriers and mitigating their effects is therefore the best entry point for ensuring inclusion. It should be noted that barriers can be compounded as a person may face an intersectionality of multiple barriers. They might also change with time, hence the need to conduct an ongoing risk analysis.

2.7.3 What are the main issues related to data protection and inclusion in public services?

The main issues related to data protection and inclusion of migrants and persons with disabilities are the following:

- risks associated with how worker data is collected (for example, it is easy to gain the access to the personal data of the migrants or disabled persons who have an intention to work in a public service through the collection of worker data through reporting tools)²⁸⁹;
- collecting personal information without ensuring workers understand and explicitly consent to the ultimate uses of their data;
- risks of companies determining when and with whom they are going to share worker data;
- problems can arise in relation to how the data is analyzed and used.

2.7.4 How to implement data protection to further inclusion in public services?

First, it should be emphasized that no matter whose data is collected, it should be properly analysed and used to inform programming, and must be handled according to standards and practices for management of personal and sensitive data.²⁹⁰ A data controller or processor must identify the legal basis by which their processing of personal data is permitted. For example, generally accepted grounds for processing of personal data are: consent of the data subject; ensuring the necessity of the processing for the performance of a contract with the data subject or to take steps to enter into a contract; for compliance with a legal obligation; to protect the vital interests of a data subject or another person; for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.²⁹¹

As in any other type of data collection processes, while collecting and using the personal data of migrants or disabled persons, appropriate care should be taken to

²⁸⁹Nicole Goddard, *Do No Harm and Peacebuilding: Five Lessons*, CDA Collaborative Learning Projects, October 2009, <http://live-cdacollaborative.pantheonsite.io/wp-content/uploads/2016/02/Do-No-Harm-and-Peacebuilding-Five-Lessons.pdf>, (accessed 30 November 2019).

²⁹⁰European Commission, Joint Statement On the Final Adoption of the New EU Rules for Personal Data Protection, Brussels, April 14, 2016, http://europa.eu/rapid/press-release_STATEMENT-16-1403_en.htm, (accessed 30 November 2019).

²⁹¹Privacy International, *A Guide for Policy Engagement on Data Protection. The keys to data protection*, PART 1: Data Protection, Explained, August 2018, p. 45-59.

not raise expectations, and hence it is highly recommended to include the questions in general needs assessments and observe good practices with respect to clear accountability towards the respondents.

Regarding inclusion of disabled persons in public services, special rules should be followed in order to qualitatively implement data protection. Those rules include:

- Involving persons with disabilities, including children, their caregivers, community-based organisations, volunteer groups in data and information collection and analysis;
- Ensuring that data and information collection and analysis are organised in a manner factoring in the accessibility and reasonable accommodations that would be required for persons with disabilities to participate;
- Identifying the sources of data providing information about persons with disabilities and the barriers they face and assess whether they are of satisfactory quality;
- Making sure that data sharing agreements are in place between all relevant actors and through relevant platforms.²⁹²

Likewise, any further risks linked to identifying persons as having a disability (particularly in terms of potential stigma and social exclusion) must be considered prior to undertaking the data collection.

In addition, public services must ensure that their organisational policies and Codes of Conduct reflect the rights of and respect for migrants and persons with disabilities; and that all staff (working at different levels of the organisation) are trained on non-discrimination, equality, accessibility and inclusive humanitarian action.

Public authorities are also encouraged to put in place inclusive human resources policies that promote the employment of both migrants and men and women with different types of disabilities. These should reflect measures to ensure equal remuneration and opportunities for work of equal value; work place accessibility and “reasonable accommodation”; and protection against age, gender and disability discrimination in the work place, which includes the right to “reasonable accommodation”.

²⁹²European Civil Protection and Humanitarian Aid Operations, *The Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations*; DG ECHO Operational Guidance, January 2019, https://ec.europa.eu/echo/sites/echo-site/files/2019-01_disability_inclusion_guidance_note.pdf, (accessed 30 November 2019).

GE Healthcare is introducing **Edison Datalogue**, a new enterprise data management solution designed to connect disparate data sources and types into a single, secure and scalable data pool for clinicians to collect, share and store patient data across the care delivery network. Edison Datalogue is being deployed by hospital systems including the National Consortium of Intelligent Medical Imaging (NCIMI) and it is the only tool that combines a neutral archive (VNA), analytics and collaboration tools under a single platform. Industry research indicates that a solution like Edison Datalogue can help increase clinical productivity by up to 30 percent, saving up to \$1 million annually through consolidation and up to \$50,000 per year in collaboration costs.

Reference: J. Pennic, 'GE Healthcare Launches Enterprise Central Data Warehouse for Clinicians', HIT Consultant Media, 2019, <https://hitconsultant.net/2019/11/07/ge-healthcare-data-management-solution/#.XdnBqlczY2w>, (accessed 30 November 2019).

Consequences

A strong data protection framework can empower individuals, restrain harmful data practices, and limit data exploitation. It is essential to provide the much-needed governance frameworks nationally and globally to ensure individuals have strong rights over their data, stringent obligations are imposed on those processing personal data, especially in public service, and strong enforcement powers can be used against those who breach these obligations and protections. Generally speaking, data protection laws set out “legitimate bases” or permissible “conditions for processing”; it is by definition illegal for any other data controller to process personal information in the absence of such a legal basis. So, while processing the personal data of migrants and disabled persons involved in public services, it is important for the data controllers to have their consent before using their information for special needs.

However, it is also important to stress that much of the efforts to improve data protection in the processes of inclusion in public service will not necessarily imply higher costs, but rather a different way of thinking and more attention to the issue.

To ensure inclusion in public services through data protection, authorities and private actors must:

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	Abide by the General Data Protection Regulation 2016/679 (GDPR) and other national, regional and international instruments related to data protection.
	Ensure that the collection of worker data through reporting tools adheres to all legal and technical provisions.
	Ensure workers understand and explicitly consent to the ultimate uses of their data.
	Put the appropriate safeguards in place in regard to the possibility of companies sharing worker data with third parties.
	Ensure that all data is analyzed and used in accordance with the law and does not infringe upon the rights of individuals.
	Ensure that personal and sensitive data is handled according to the appropriate existing standards and practices for its management.
	Provide for a legal basis for the processing of personal data.

	Make sure that data sharing agreements are in place between all relevant actors and through relevant platforms.
	Take into consideration any risks linked to identifying persons as having a disability prior to undertaking data collection.

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