

Non-Discrimination Policy of German Sparkassenstiftung

This document encompasses the Non-Discrimination Policy of German Sparkassenstiftung for International Cooperation (DSIK). It elaborates on the following four points:

1. Human Rights
2. Gender Equality
3. Non-Discrimination in the work environment
4. Measures taken by DSIK

1. Human Rights

As an organization founded upon the principles of equality and the betterment of human life on a global scale, DSIK fully subscribes to the ideas, principles and rights laid out in the Universal Declaration of Human Rights¹. We not only adhere to and base our work upon these principles and objectives, but we also recognize the documents inherent call and the societal need to expand upon these rights in order to bring them to their full fruition. Therefore, this policy proceeds from the fundamental truths of Human Rights towards a more encompassing and explicit understanding of the struggles that people face in their everyday life – be it in private or professional surroundings. To denote these struggles and to define measures for overcoming them, we as an organization have formulated this policy.

a) Non-Discrimination and Advancement of Equality

We consider discrimination to be verbal or physical actions by individuals or groups, as well as structural arrangements of a societal nature that, whether willfully or knowingly, unlawfully, and unjustifiably interfere with people's exercise of their rights, daily lives, or life choices. This Non-Discrimination policy is designed to classify, specify, and allow the affected to name and act against encountered discriminations with the explicit goal of eradicating discriminatory practices within DSIK. For the purposes of this policy and a clear definition of discrimination we differentiate between direct and indirect discrimination.

- i) “**Direct discrimination** occurs when an individual is treated less favorably than another person in a similar situation for a reason related to a prohibited ground; e.g. where employment in educational or cultural institutions or membership of a trade union is based on the political opinions of applicants or employees. Direct discrimination also includes detrimental acts or omissions on the basis of prohibited grounds where there is no comparable similar situation (e.g. the case of a woman who is pregnant);”²
- ii) “**Indirect discrimination** refers to laws, policies or practices which appear neutral at face value, but have a disproportionate impact on the exercise of Covenant rights [International Covenant on Civil and Political Rights] as distinguished by prohibited grounds of discrimination. For instance, requiring a birth registration certificate for school enrolment may discriminate against ethnic minorities or non-nationals who do not possess, or have been denied, such certificates.”³

¹ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 8 September 2021]

² UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/20, available at: <https://www.refworld.org/docid/4a60961f2.html> [accessed 8 September 2021]

³ Ebd.

- b) Based upon the General Comment No. 20 by the United Nations Economic and Social Council⁴ and the Universal Declaration of Human Rights⁵, we adopt a wide catalogue of markers that can be grounds of discrimination. These include but are not limited to: **“Race and colour”, Sex, Language, Religion, Political or other opinion, National or social origin, Property, Birth, Disability, Age, Nationality, Marital and family status, Sexual orientation, Gender identity, Health status, Place of residence, Economic and social situation.**

2. Gender Equality

Equality between the genders is an integral part of any Non-Discrimination framework as exemplified by the enumeration above. DSIK does not only uphold, foster, and propagate the equal treatment of women and men in all its projects but specifically includes all sexes as well as genders within its ambitions to work towards a more equal and just world for all human beings. We as an organization believe that every person, irrespective of their sex or gender identity, should be capable to fully exercise their rights without fear of repression or infringement from individuals, groups, organizations, or state actors. For additional information and steps DSIK has taken to ensure the equal treatment of the sexes see our:

- i) Guide to Gender Inclusive Language (available in German and Spanish)
- ii) Security Policy
- iii) Gender-based Violence Manifest

3. Non-Discrimination in the work environment

We recognize that people can encounter discrimination in the workplace. As an organization we therefore strongly denounce any form of discrimination perpetrated by our staff, our partners or the people we engage with due to our work (e.g. customers, participant in workshop etc.). We commit ourselves to tirelessly work for and achieve a professional environment free of all discriminations.

To enable our employees and contractors to better understand the different bases, forms and types of discrimination, this section offers examples to the above outlined grounds of discrimination. (All examples, if not stated otherwise, are taken from the UN’s Economic and Social Council’s General Comment no. 20⁶)

- i. **“Race and colour”:** This pertains to a person’s ethnic background. The usage of the term “race” “[...] does not imply the acceptance of theories which attempt to determine the existence of separate human races.” Most often “racial” discrimination is experienced by individuals who are read as “non-white” or as not belonging to the majority group.
- ii. **Sex:** “[...] the refusal to hire a woman, on the ground that she might become pregnant, or the allocation of low-level or part-time jobs to women based on the stereotypical assumption that, for example, they are unwilling to commit as much time to their work as men, constitutes discrimination.”

⁴ Ebd.

⁵ See footnote 1.

⁶ UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/20, available at: <https://www.refworld.org/docid/4a60961f2.html> [accessed 8 September 2021]

- iii. **Language:** “Discrimination on the basis of language or regional accent is often closely linked to unequal treatment on the basis of national or ethnic origin. Language barriers can hinder the enjoyment of many Covenant [International Covenant on Civil and Political Rights] rights, including the right to participate in cultural life [...]”
- iv. **Religion:** “For instance, discrimination arises when persons belonging to a religious minority are denied equal access to universities, employment, or health services on the basis of their religion.”
- v. **Political or other opinion:** “Access to food assistance schemes, for example, must not be made conditional on an expression of allegiance to a particular political party.”
- vi. **National or social origin:** “‘National origin’ refers to a person’s State, nation, or place of origin. Due to such personal circumstances, individuals and groups of individuals may face systemic discrimination in both the public and private sphere in the exercise of their Covenant rights. ‘Social origin’ refers to a person’s inherited social status, which is discussed more fully below in the context of ‘property’ status, descent-based discrimination under ‘birth’ and ‘economic and social status’.”
- vii. **Property:** “Property status, as a prohibited ground of discrimination, is a broad concept and includes real property (e.g. land ownership or tenure) and personal property (e.g. intellectual property, goods and chattels, and income), or the lack of it. [...] Covenant rights, such as access to water services and protection from forced eviction, should not be made conditional on a person’s land tenure status, such as living in an informal settlement.”
- viii. **Birth:** “Distinctions must [therefore] not be made against those who are born out of wedlock, born of stateless parents or are adopted or constitute the families of such persons. The prohibited ground of birth also includes descent, especially on the basis of caste and analogous systems of inherited status.”
- ix. **Disability:** Exemplary grounds of discrimination are “[...] prohibitions on the right to education, and denial of reasonable accommodation in public places such as public health facilities and the workplace, as well as in private places, e.g. as long as spaces are designed and built in ways that make them inaccessible to wheelchairs, such users will be effectively denied their right to work.”
- x. **Age:** “The Committee has highlighted the need to address discrimination against unemployed older persons in finding work, or accessing professional training or retraining, and against older persons living in poverty with unequal access to universal old-age pensions due to their place of residence. In relation to young persons, unequal access by adolescents to sexual and reproductive health information and services amounts to discrimination.”
- xi. **Nationality:** “[E].g. all children within a State, including those with an undocumented status, have a right to receive education and access to adequate food and affordable health care. The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.”
- xii. **Marital and family status:** “Differential treatment in access to social security benefits on the basis of whether an individual is married must be justified on reasonable and objective criteria. In certain cases, discrimination can also occur when an individual is unable to exercise a right protected by the Covenant because of his or her family status or can only do so with spousal consent or a relative’s concurrence or guarantee.”

- xiii. **Sexual orientation:** “[A] person’s sexual orientation is not a barrier to realizing Covenant rights, for example, in accessing survivor’s pension rights.”
- xiv. **Gender identity:** “[G]ender identity is recognized as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace.”
- xv. **Health status:** “Health status refers to a person’s physical or mental health. [...] The protection of public health is often cited by States as a basis for restricting human rights in the context of a person’s health status. However, many such restrictions are discriminatory, for example, when HIV status is used as the basis for differential treatment with regard to access to education, employment, health care, travel, social security, housing and asylum.”
- xvi. **Place of residence:** “[...] e.g. whether an individual lives or is registered in an urban or a rural area, in a formal or an informal settlement, is internally displaced or leads a nomadic lifestyle.”
- xvii. **Economic and social situation:** “Individuals and groups of individuals must not be arbitrarily treated on account of belonging to a certain economic or social group or strata within society. A person’s social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education and health care as others, as well as the denial of or unequal access to public places.”

4. Measures taken by DSIK

- a.) In compliance with the principle of non-discrimination and to counteract the above outlined, we as an organization have defined internal processes, practices and guidelines pertaining to the employment of new staff members. These guidelines and principles are applicable throughout all offices of DSIK and relate to all types of employment – be they short- or long-term contractors, local staff, or foreign experts.
- b.) Furthermore, DSIK has set itself the task to design internal structures dedicated to receiving, managing, and resolving grievances by all employees irrespective of their contractual status.

All good faith complaints or addressed grievances shall never lead to any negative consequences for the complainant. DSIK set up a reporting tool LINK where all complaints or grievances can be reported.