Complaint filed by OCS against association of taxi drivers for discrimination on grounds of personal characteristics – migrants and asylum seekers in area of providing services

This opinion was issued in the procedure acting upon the complaint filed by organization “R” from B. against S.T.u.S., regarding a statement of A.B., chairman of S.T.u.S., published in an electronic issue of newspaper “B.” on 24 March 2015 in the article “NEW RECOMMENDATION TO CAB DRIVERS: Do not extend taxi services to asylum seekers!” The Commissioner for the Protection of Equality has ascertained that the article states, inter alia, that a recommendation was issued to Belgrade cab drivers not to take any asylum seekers as customers. A.B. , chairman of S.t.u.S. said that no one can prevent cab drivers from taking any customer, but he did however warn them of risks. “The recommendation to cab drivers is not to take asylum seekers as customers since unpleasant situations can occur. Namely, if the police should find an asylum seeker in a taxi, they are entitled to temporarily seize the vehicle and turn the taxi driver over to a judge. In the course of a court proceeding the cab driver is required to prove that he/she did not know that his/her client was indeed an asylum seeker. This is no joking matter.” The Commissioner for the Protection of Equality considered the fact that the intention of the chairman of S.t.u.S. was to warn the taxi association members of the fact that in some cases the police had seized vehicles of other cab drivers who were found to have taken asylum seekers as customers and that the public prosecutor had indeed launched criminal proceedings against these cab drivers. Bearing in mind that trade associations have an obligation to notify their members of current events and topical issues as well as to warn them against possible unpleasant and dangerous situations that might transpire in the course of extending services, it would be safe to draw the conclusion that the aim of this notification had been legitimate. However, the fact that S.t.u.S. had not undertaken any measures to redress the newly transpired situation, pursuing the logic that withholding transportation services to asylum seekers would be a way for cab drivers to avoid unnecessary hassle, resulted in unwarranted consequences to asylum seekers wishing to use taxi services. The Commissioner for the Protection of Equality issued an opinion stating that by issuing a recommendation to cab drivers not to take asylum seekers/migrants as their customers, which resulted in placing this category of customers in an unequal position in respect of use of public transportation services based on their personal characteristics, S.t.u.S. had violated the provisions of the Law on the Prohibition of Discrimination. Hence, a recommendation has been issued to S.t.u.S. and A.B. , as officially responsible person, when addressing his fellow cab drivers and the media, to refrain from suggesting that the cab drivers should deny taxi services to asylum seekers/migrants, to convey a message to all taxi association members that all customers are entitled to the same level of service under equal conditions irrespective of their personal characteristics, and to abstain from violating provisions governing the prohibition of discrimination when discharging of their everyday duties and activities in the future.