Complaint filed by C.Z.P.T.A. against V. Bank for discrimination on grounds of personal characteristics – migrant in area of providing services

The opinion was issued following the complaint filed by “C.Z.P.T.A.” NGO from B. against V. Bank a.d. N.S. The complaint states that when extending *MoneyGram* money transfer services to asylum seekers and other migrant persons, V. Bank a.d. N.S. requires them to meet conditions which it does not request other foreign citizens to fulfill, refusing to extend money transfer services to such persons if they do not comply thus putting them in an unequal position compared to other foreign nationals. The complaint states that several migrants staying on the territory of B. between February and November 2015 approached the organization complaining that V. Bank offered to extend money transfer services to them on a condition that they provide residency proof it otherwise does not required from other foreign nationals. In its explanation V. Bank stated that it requires all foreign nationals, staying on the territory of Serbia in excess of 24 hours, to provide the proof of residency. The bank also stated that according to the Money Laundering and Terrorist Financing Risk Assessment Guidelines all transactions by migrants have been classified as high risk transactions hence the bank applies more stringent identification, assessment and monitoring measures to all such clients and transactions. In the course of the procedure the bank did not contend the evidence indicating that in practice not all foreign nationals are required to meet the same conditions for the provision of money transfer services. In addition, V. Bank failed to prove that the additional piece of documentation requested from an asylum seeker was in fact sufficient guarantee against suspicious transactions nor that the refusal to provide money transfers service in this particular case represented a justified violation of equal rights and obligations principle. Shifting the burden of proof in this case, the Commissioner for the Protection of Equality found that by denying MoneyGram money transfer service to a Syrian national M.N., V. Bank a.d. N.S. has violated the provisions of the Law on the Prohibition of Discrimination. Ergo, the Commissioner issued a recommendation to V. Bank instructing them to extend their services to all clients under same conditions, and that in case of suspicious transactions they should be guided by relevant facts pertaining to each individual case separately without making negative generalized assumptions regarding certain nationalities. The recommendation also states that the V. Bank should inform all bank employees on the content of Commissioner’s opinion and recommendations within a period of 15 days following its issuance and to refrain from violating antidiscrimination regulations in the future when performing its regular activities and operations.