

## Equinet speech to EPSCO Council

Luxembourg, 24.10.2019

Thank you Chair and thank you to the Member States as well.

Equinet is the European network of national equality bodies, public bodies set up in all EU Member States on the basis of existing EU Equal Treatment Directives on race and on gender.

Fields/Grounds	Race	Gender	Sex. orientation	Age	Disability	Religion
Employment	YES	YES	YES	YES	YES	YES
Education	YES	NO	NO	NO	NO	NO
G & S, housing	YES	YES	NO	NO	NO	NO
Soc. Protection (Healthcare)	YES	YES	NO	NO	NO	NO
Soc. advantages	YES	NO	NO	NO	NO	NO

This is a strong and valuable legal framework even if there are challenges with regard to implementation – which I won't have time to address today.

However, as it is visible, on certain grounds of discrimination (notably age, disability, religion or belief and sexual orientation) EU law does not cover any areas of life beyond employment.

Many Member States have decided to go beyond this EU legal framework by enacting legislation that prohibits discrimination on these grounds beyond the field of employment.

Many Member States have also established equality bodies whose mandates include these grounds and fields. This development is also specifically encouraged by last year's European Commission Recommendation to Member States on standards for equality bodies.

The experiences and complaints statistics of these equality bodies are a powerful evidence showing that inequality and discrimination are also everyday realities outside the areas of protection provided by EU legislation currently in force and that the current hierarchy of protection at EU level is problematic.

For instance, in our surveys five equality bodies reported LGBTI cases making up around 10% of their case work and five equality bodies reported age discrimination cases making up between 15-20% of their case work. This is in line with the results of the Eurobarometer survey that has just been distributed.

For concrete examples,

In a Member State, free preventive annual breast cancer screening was only available to women aged between 40-69 and the equality body challenged this provision. This also shows the importance of challenging intersectional discrimination as the provision only affected women of a certain age.

In another Member State, a municipality denied transport for an 8-year old wheelchair user to her new school – even though the length of the drive was almost unchanged. The municipality referred to

municipal rules that taxi rides are not organised to special music schools (such as the new school of the girl).

In yet another Member State, a café refused to serve a female customer because she was wearing a Muslim headscarf. The owner justified the refusal on the grounds of needing to maintain security.

Finally, in a fourth Member State a landlord refused to lend her apartment to a couple solely due to the complainants' sexual orientation.

Addressing the rationale for ensuring a comprehensive equal treatment legislative framework, in other words: why is EU level legislative action justified and needed?

Equality and non-discrimination are founding values of the EU as expressed in the Treaties; general protection from discrimination on all grounds and in all fields is a common element of all international human rights treaties and the constitutional traditions of Member States;

EU legislation on the grounds and fields currently missing would embody the EU's ambition to ensure equal societies for all;

Banning discrimination is good for society and good for the economy as various studies show, including those commissioned by EU institutions or Member States;

EU legislation provides a common minimum standard and protection against regression in the national protection against discrimination;

EU legislation would put an end to the current hierarchy of discrimination grounds and level up protection for all grounds;

EU legislation would guarantee free movement to all without the fear of discrimination on any ground and in any field in any Member State;

EU legislation would provide the possibility for courts and tribunals to turn to the Court of Justice of the EU for clarification of equal treatment law on all grounds and in all fields;

Existing EU equal treatment directives have proven their practical value and their regulatory method and provisions could be applied with little or no adjustments to fields currently not covered;

Where legislation is already in place, case law by equality bodies and the courts confirms the practical use of this protection by victims of discrimination and an overwhelmingly positive experience with implementation, devoid of significant problems concerning interpretation, implementation or costs

The list of such cases could be continued endlessly and this shows the value of protection against discrimination on these grounds and in these fields.

Thank you very much for your attention, I wish you fruitful deliberations.