

EQUINET High Level Meeting
18 March 2009, European Parliament

**Heads of National Equality Bodies met in Brussels
to take the European anti-discrimination agenda forward**

The present and future of anti-discrimination legislation and the role of EQUINET and of national equality bodies to further promote a society of equal opportunities for all were at the heart of the discussions at the high-level meeting organized by EQUINET – European Network of Equality Bodies on 18 March 2009 in Brussels.

Heads of national equality bodies, MEPs and representatives of the European Commission gathered at the European Parliament to identify priority actions and reassert the need for concerted initiatives at European level to tackle discrimination on grounds of gender, racial or ethnic origin, religion or belief, age, disability and sexual orientation.

Debates mainly focused on four points: 1) The importance of the newly proposed anti-discrimination directive and the report on the directive which is to be voted on by the Parliament sitting in plenary session on 2 April 2009 and how critical it will be that it is then unanimously passed by the European Council. 2) Challenges in the context of the economic downturn and the need to put forward proposals so that efforts to promote equal opportunities for all are viewed not as a problem but as a solution to the crisis and a precondition for healthy recovery. 3) The need to better define and enhance practices of independence of equality bodies. 4) The need for standards and benchmarking to assess and compare the activities of national equality bodies.

During the meeting, Commissioner for Employment, Social Affairs and Equal Opportunities Vladimir Špidla also announced that the European Commission would shortly launch a survey to assess the state of the art of the struggle for equality in Europe and the specific missions of equality bodies. Several members of EQUINET expressed their wish for equality bodies to be actively involved in this study.

The new proposed anti-discrimination directive

In his opening address, Socialist MEP Michael Cashman, host of the meeting and President of the European Parliament's Intergroup on Gay and Lesbian Rights, underlined the fact that the new proposed directive would finally end hierarchy in the fight against discrimination. "No minority is too small not to be defended", he added. Green MEP Kathalijne Buitenweg, Rapporteur for the new directive in the Parliamentary Committee for Civil Liberties, Justice and Home Affairs (LIBE), clearly pointed to the problems and challenges the draft – once approved by the European Parliament – would face in the European Council: "There are different positions – she said – and different levels of opposition to the directive as it is. Some countries simply think that EU should not deal with anti-discrimination and that this task should be left at the entire discretion of member states". However – she concluded – the text is a good compromise, one that allows progress to raise the level of protection against all forms of discrimination across the EU.

Katri Linna, EQUINET Board Member and Equality Ombudsman for Sweden, alongside Evelyn Collins, chief executive of the Equality Commission for Northern Ireland, both strongly underlined the importance of the proposed directive to level up and extend legal protection from discrimination



to all grounds beyond the field of employment and the need for future legislation to address the reality and complexity of multiple discrimination.

Liberal democrat MEP Liz Lynne, Rapporteur for the directive in the Parliamentary Committee for Employment and Social Affairs (EMPL), stressed the key role of equality bodies: “European citizens need to know that, if they are experiencing discrimination or if they have a complaint to raise, they can now address specialized equality bodies”. With regard to the directive, she stated that its main benefit was “to take all grounds together, so one doesn’t get left behind” but further efforts still need to be made for “anti-discrimination legislation to become a reality for all”. Finally Ms. Linne thanked commissioner Spidla for his important role in bringing forward the proposal of the new anti discrimination directive.

The economic crisis: an opportunity for setting high equality standards

Several participants mentioned that in times of recession, EQUINET should look at particularly vulnerable groups. As unemployment rises rapidly it is affecting all sectors. More than ever it will be essential to support those who are experiencing inequality in their quest for redress.

Niall Crowley, former chief executive of the Irish Equality Authority and now independent advisor of Equinet’s Board, referred to an analysis that was recently published in the UK which showed that “societies with a higher degree of equality perform better than those where equality is undermined. In times of economic downturn, he added, it is fundamental that recovery is achieved through a greater degree of equality”.

The independence of equality bodies

Discussions about independence of equality bodies made up a substantial part of the debates. The results of a recent study published by EQUINET (“Between impartiality and responsiveness. Equality bodies and practices of independence”) were presented by Mandana Zarrehparvar from the Danish Institute for Human Rights and EQUINET Board Member. This report raises the question of how independence should be defined, taking into account the Paris Principles and the ECRI general policy Recommendation No. 2 on specialised equality bodies – and whether it should be more clearly defined in European law, as the question whether equality bodies should only function independently or have an independent status has so far been left unanswered.

The study formulates a series of recommendations to raise the level of independence of equality bodies, including:

- EU definition of independence should be closer to ECRI’s Recommendation No. 2
- Accreditation of National Equality Bodies
- Equality bodies should be structurally independent from governments and ministries
- Monitoring of independence of national equality bodies by EU
- More awareness on independence issues
- Strong and independent leadership

The presentation of the report also raised a number of possible questions to be addressed by Equinet such as:

- How will Equinet deal with equality bodies who are “not so independent”?
- How can Equinet support Independence?
- How will Equinet link into ECRI recommendation No. 2?



Besides the importance of independence from governmental institutions as well as from private economic actors and other stakeholders to ensure that the European and national frameworks for combating discrimination on all the relevant grounds is effectively implemented, Jozef De Witte, Director of the Belgian Center for Equal Opportunities and Opposition to Racism, also raised the issue of the perception of the independence of equality bodies by victims of discrimination. “If they don’t perceive us as independent, they will not address their complaints to us. And not only that. We have to prove that we are independent and reliable not only to those who are discriminated against, but also to people who discriminate. Independence, he concluded, is a mission on its own. It is fundamental to enable us to formulate recommendations which different sectors of society then have to take into account”.

Other participants also agreed that monitoring of the independent functioning of equality bodies by the EU would be extremely worthy, but that it was each body’s responsibility to carry out a first-line assessment of their practices of independence against for instance ECRI Recommendation No 2 on specialized equality bodies.

EQUINET and equality bodies: so far so good, but what are the next steps?

Another key objective of the meeting concerned the role EQUINET has to play as the European Network of Equality Bodies and how specialised equality bodies can contribute their expertise with a more united voice at European level despite operating in a wide range of context and conditions at national level. Several priorities were identified by Chila van der Bas, Chair of EQUINET Board and Commissioner of the Dutch Equal Treatment Commission, including promoting a more active participation of all members and their top representatives in EQUINET’s activities, sharing anti-discrimination law cases information and best practices and contributing to EU policy formation.

Other than that, EQUINET members argued the need for legal information and cases to be more pro-actively shared amongst equality bodies, as jurisprudence develops both within the European system and before the national courts. There was also some debate as to whether EQUINET should act more as a political orchestrator of equality issues in the future in addition to further developing its core mandate and current strength as an information exchange platform at European level.

Andreas Takis, Deputy Greek Ombudsman, raised the issue of the difference between long- and newly-established equality bodies as well as regional differences between e.g. specialized bodies of Northern-Western Europe and those of Southern or Eastern European countries. “EQUINET should stimulate an active participation of all its members (especially the smallest ones), engaging them in different activities and sharing the particular problems and cases they are facing”. This priority was also underlined by Sina Bujega, Executive Director of the National Commission for the Promotion of Equality in Malta.

Louis Schweitzer, President of the High Authority against Discrimination and for Equality (HALDE) in France, stressed the need for benchmarking the activities of equality bodies. “We need to compare the judicial systems of different countries and to find similarities and differences”, he explained. “We then need to step up efforts to exchange best practices, also from non-EU countries like Canada, and share experiences. Comparing is not competing”, he insisted, “but rather an instrument to foster progress and become more efficient in combating discrimination”.

Most members agreed on this latter point and with this idea in mind, suggested EQUINET could also take a lead in establishing some exchanges and contacts with equality bodies in non-EU countries such as the US and Canada or non-EU Mediterranean countries.



Finally the word solidarity was spoken a few times, referring not only to those equality bodies that may be facing difficulties or new challenges, but also to a common principle of action to ensure further development of EU policy which can only be made possible by support and joint action from a wide range of stakeholders.