

Promoting Equality

Overview of positive measures used by national equality bodies

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Preface

This report is a product of Equinet, the European Network of Equality Bodies, which was established to facilitate cooperation and exchange amongst and with specialized equality bodies across the European Union and beyond.

During its first years of existence, Equinet predominantly conducted activities on legal issues. Specialized equality bodies play a crucial role in the effective implementation of non-discrimination law including the main task of providing assistance to victims of discrimination. In this context, one of the principle aims of Equinet was and still is to help equality bodies fulfil their mandates by establishing a sustainable network and resource base for the exchange of legal expertise and enforcement strategies.

Two years ago, we thought it useful to initiate a parallel exercise to reflect and share experience on the preventive role of national equality bodies, the non legal one, oriented towards preventing discrimination from occurring and fostering effective equality of treatment.

Equinet's Working Group on Promotion of Equality was created in 2006 with the aim of sharing expertise between Equinet members on policies and procedures to promote equality and prevent discrimination, as well as exchanging good practices and ideas in the field of equal treatment.

This report is a first effort to map and produce an overview of national equality bodies' activities in the field of promotion of equality.

On behalf of the Working Group on Promotion of Equality, we would like to thank all who contributed to this report, in particular the Working Group Members and the Equinet Board and Secretariat for their time and support in enriching this analysis with their knowledge and insight. We would also like to express our special gratitude to Karolina Krzystek for helping us finalise this report.

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Introduction

Since the Racial Equality Directive and the amended Gender Equal Treatment Directive came into force in 2000 and 2002 respectively,¹ EU Member States have been required to create **bodies for the promotion of equal treatment** on the grounds of race or ethnic origin and in order to implement the principle of equal treatment between men and women.

Beyond fighting discrimination, enforcing legislation to combat discriminatory treatment, and activities related to legislative initiative, the EU founding treaties and directives call on Member States to grant their bodies with competences in the field of **equality promotion**, which constitutes the preventive and proactive side of anti-discrimination policy.

For most of the national equality bodies, many of which preceded the EU anti-discrimination directives, experience promptly revealed that a strategy based exclusively on litigation and court decisions was not adequate to meet the challenge of achieving equality in practice and significantly reducing discrimination. A combination of enforcement and development strategies appeared to be more effective.

In some EU Member States, the law requires public services and enterprises to respect positive duties. These measures are compulsory and are the most efficient in addressing indirect discrimination. In these cases, the national equality body may be competent to assist with the implementation process and the monitoring of a given institutions' compliance with these duties. In other countries, positive action can only rely on "softer" measures, the adoption of which depends solely on the good will of stakeholders.

With this in mind, a number of equality bodies have recently started to assign additional resources to working towards the identification of the most efficient ways to foster substantive equality and possibly reduce the number of complaints while preventing discrimination and promoting equality. This report addresses the need for reflection on this aspect of the action of equality bodies.

Currently, many national equality bodies carry out activities in order to promote equality. As the role of promotion of equality is only defined in very general terms in the relevant directives, the extent of activities and competences can vary significantly from one equality body to another.

This study was conducted by Equinet's Working Group on Promotion of Equality in order to provide an overview of the various measures to promote equal opportunities that have been introduced by the national equality bodies in EU Member States. The information gathered in this report is by no means exhaustive.² It is a synthetic picture of the equality bodies' competences with respect to promotion of equality activities. It is intended to identify tools, good practices and strategies for engaging key actors in society in support of equal treatment standards.

Therefore the major aim of this study is to provide Equinet members with a basis for identifying common key subjects of interest and strategic value (theoretical and practical) for further deliberation and analysis by the network members. In addition, some emphasis has been given to especially noteworthy or innovative policies, practices and tools.

¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

² It was collected through the Internet websites of the national equality bodies and was also obtained by contacting the equality bodies directly by email or telephone. A first draft was sent to the different national equality bodies in order for them to amend and correct the document. A questionnaire was also provided in order to acquire more detailed information.

Certain elements need to be taken into account in order to fully grasp the diversity of activities mentioned in this report: whether the task of equality promotion is enshrined in the law; whether a specific unit is in charge of the promotion of equality; whether the law provides for compulsory positive action measures monitored by the national equality bodies; and especially the fact that approaches to the concept and practice of equality promotion can vary widely, with efforts to prevent discrimination ranging from raising public awareness of anti-discrimination law to organising training programmes or implementing positive duties. In addition, the organisational location of promotion of equality activities within equality bodies varies from country to country. The similarities and differences between the European equality bodies will thus be explained through a presentation of the various activities that they each undertake.

The outcome of our analysis is presented in four parts. The first chapter *Promotion of equality as a specific competence* discusses the various approaches to promotion of equality policies adopted by different equality bodies. The second chapter *Promotion of equality in the law* provides an overview of the position that promotion of equality occupies in the legal acts founding particular equality bodies. In the third chapter, *Responsibility for promotion of equality*, a brief summary is given on the location in every institution included in the study of responsibilities and activities concerning promotion of equality. Finally, in the fourth chapter *Promoting equality in practice: types and levels of action* we present and categorise the measures adopted by the equality bodies in the following thematic subsections: Awareness-raising and communication; Cooperation with stakeholders; Training; Resources for key actors; Positive duties; Data collection; and Local Action.

It is essential to emphasize that the present report does not offer a complete and in depth analysis of the positive actions carried out by the institutions in question. Our aim has been to provide the readers with a brief overview of measures and strategies used in practice in order to achieve greater equality of treatment in the areas covered by the national legal systems.

National Equality Bodies included in this study: Ombud for Equal Treatment (Austria), Centre for Equal Opportunities and Opposition to Racism (Belgium), Institute for Equality between Men and Women (Belgium), Office of the Commissioner for Administration (Cyprus), Danish Institute for Human Rights (Denmark), Gender Equality Commissioner (Estonia), Office of the Chancellor of Justice (Estonia), Office of the Ombudsman for Minorities (Finland), Independent High Commission against Discrimination and for Equality (France), Federal Anti-Discrimination Agency (Germany), Equality and Human Rights Commission (Great Britain), Office of the Ombudsman (Greece), Equality Authority (Ireland), National Office Against Racial Discrimination (Italy), Office of the Ombudsman (Latvia), Equal Opportunities Ombudsman (Lithuania), Equal Treatment Commission (Netherlands), Equality Commission for Northern Ireland (Northern Ireland), Equality and Anti-discrimination Ombud (Norway), National Council for Combating Discrimination (Romania), National Centre for Human Rights (Slovakia), Office for Equal opportunities (Slovenia), Council for the Promotion of Equal treatment and Non-Discrimination on the grounds of Racial or Ethnic Origin (Spain), Ombudsman against Ethnic Discrimination (Sweden)

Chapter 1

Promotion of equality as a specific competence

A structural bridge between legal affairs departments and promotion of Equality units

Historically, legally and financially, the creation of legal departments precedes that of promotion of equality departments or missions and often the former dominate in the national equality bodies. A brief analysis from the sociological point of view of such organisations would show difficult beginnings for the non-legal action services (and sometimes an antagonistic relationship between the two types of departments in the anti-discrimination organisations).

Indeed, the promotion of equality side of equality bodies' action, **with the exception of positive duties**, is not defined, framed, and scheduled neither in the EU directives, nor in national law as it is for legal action. Its legitimacy has to be built on foundations other than the law. It takes time to develop a thorough understanding of discrimination as a social phenomenon (its specificity depending on the related grounds and fields, mechanisms of discriminatory practices, stakeholder strategies). Tools and means for reaching specific targets have to be identified, sometimes developed from scratch. **Yet, the promotion of equality is as essential to anti-discrimination strategies as the processing of complaints.**

Furthermore, strategic planning for Promotion of Equality can draw on the results of legal work. Indeed, individual complaints may sometimes uncover recurring or model discriminatory practices in a specific field. These complaints serve as warning signals in a particular field, encouraging equality bodies to establish prevention and awareness policies and to develop programmes to promote and support good practice in certain areas and/or for specific target groups and social categories.

Moreover, key issues concerning the groups experiencing inequality may be identified through research, studies and consultation with stakeholders. Such tools are essential to the mission of promoting equality. The issues thus identified serve later as a starting point for developing guidance to promote and support good practice among agencies across a range of sectors including: health care, housing, education, training, and employment.

In some countries, as complaints handling grows more difficult to undertake within the national equality bodies, it has become necessary to assign most complaints to other organisations that are also able to walk complainants through the legal process (for instance the local offices of the equality bodies or other organisations partly funded by them). At the same time, a number of model complaints are selected and retained. The main goal, beyond developing case law in a certain area, is to emphasize those aspects of discrimination that are the current priority in equality promotion strategies and awareness-raising campaigns. This reflects the need to link the underlying issues of the complaints-handling process and the implementation of prevention and awareness policies in order to ensure complementarity and enhance the overall impact of the equality bodies' action.

A competence which is not the prerogative of NEB's in a national context

It is essential to emphasize at this point that the present report does not seek to outline the legal framework for positive action in the EU Member States. This task has already been completed through the document issued by the European Commission in 2007 in collaboration with the European network of legal experts.³

³ De Vos, M. (2007) *Beyond Formal Equality. Positive Action under Directives 2000/43/EC and 2000/78/EC*, Report of European Commission, Brussels

In many countries legislation provides for various positive measures targeting groups that are at risk of discrimination on the grounds prohibited by law. Several countries introduce measures such as positive discrimination or quota systems with regard to persons with disabilities, enhancing women's employment, minorities' rights etc.

In some Member States, equality promotion is entrusted to or shared with a ministry or another institution. Sometimes there is also a separate agency in charge of financing projects dedicated to raising awareness. Equality bodies therefore need to clarify their role and clearly describe the scope and range of their activities and competences in relation to the other institutions. The added value of national equality bodies is that they specialise in discrimination issues in both their legal and their "pro-active" work (which is not the case of other institutions that deal with discrimination amongst other issues).

In **Ireland**, besides the Equality Authority there is also the Human Rights Commission and the National Disability Authority. The Commission has wide ranging competence to promote and protect human rights as defined both in the Irish Constitution and in international agreements to which Ireland is a party. The Commission must keep under review the implementation of law and practice in the State relating to the protection of human rights. As far as the National Disability Authority (NDA) is concerned, the institution was established by a law of 1999 as an advisory body to Government. The focus of its work is providing advice to Government on issues of people with disabilities.

In **Italy**, apart from the National Office for the Promotion of Equal Treatment and the Elimination of Discrimination (UNAR), the Department for Equality of Opportunities has an Office for Parity and Equality of Opportunity. Its functions include coordination of research projects on issues related to equal opportunities. There is also the Commission for Equal Opportunities, which monitors the enforcement of equal opportunities policies in several areas of political, economic and social life.

In **Cyprus**, the Office of the Commissioner for Administration (hereafter the Ombudsman) is the sole national equality body. However, there are numerous non-profit organizations that deal with the fight against discrimination. As for public institutions, there are Officers in some key ministries assigned to work almost exclusively on discrimination issues, for example in the Ministry of Justice and Public Order which is the national authority responsible for the EU information campaign on anti-discrimination and diversity, as well as the contact point for the implementation of the PROGRESS programme.

In **Bulgaria**, the Commission for Protection against Discrimination is the sole national equality body established in compliance with the requirements of Council Directives 2000/43/EC of 29 June 2000 and 2000/78/EC of 27 November 2000. There are however other public institutions in Bulgaria that deal with equality issues. These come under the government and are subordinate to the Council of the Ministry of Labour and Social Policy which is involved in equality promotion initiatives. The Directorate for Demographic Policy and Equal Opportunities at the Ministry participates in the elaboration of state policy on equal opportunities and non-discrimination. The National Council for Ethnic and Demographic Issues at the Council of Ministers is also engaged in anti-discrimination activities. It is mainly responsible for the elaboration and implementation of state policy for combating discrimination on the grounds of ethnic origin in the context of demographic issues. The National Council for Equality of Men and Women is a consultative body at the Council of Ministers which elaborates and implements national policy with regard to the equal treatment of men and women. It consults the Council of Ministers and discusses legislative proposals, and supports the work of state and non state actors in the field of gender discrimination. The Agency for People with Disabilities is an administrative unit within the Ministry of Labour and Social Policy that collects and stores data on people with disabilities and supports initiatives to assist people with disabilities in their professional undertakings and social integration.

In **Estonia**, an inter-ministerial committee for promoting gender equality has created a national development plan to enhance gender equality to be implemented by the end of 2008. The activity plan will form the basis for a division of labour between different ministries with regard to solving more complex problems (horizontal and vertical gender segregation of the labour and education markets, abolition of outdated stereotypes in textbooks, fighting against violence against women, etc.). However, the stress is still on training and raising awareness. Several larger projects are currently being launched: strengthening the role of women in economic decision-making processes; the role of the mass media in establishing power relations; training national officials to integrate the gender aspect into activity plans; developing methodologies for gender equality impact assessment.

The multi-ground approach as an added value for promotion of equality initiatives

There is no formal requirement in the EC directives for Member States to designate bodies with jurisdiction to combat discrimination based on religion or belief, disability, age or sexual orientation, though the EU encourages the creation of such bodies. A number of organisations have nevertheless been given a statutory remit that goes beyond the minimum implementation of the directives in order to cover all the discriminatory grounds listed in the equality directives and sometimes more.

In several countries, gender remains external to the multi-ground approach and is dealt with as a specific ground by separate national equality bodies. This applies to **Finland, Romania, Latvia and Belgium**.

There is also a trend in EU countries to merge already existing equality bodies into one single institution.

Great Britain is a striking case with the Equality and Human Rights Commission taking over the responsibilities of the three former equality commissions: the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.

In **Sweden** four anti-discrimination ombudsmen dealing with gender, ethnicity and religion, disability and sexual orientation respectively are working in parallel. Beyond this, the government established the Delegation for human rights which will be in place until 2010. In addition, there is the Delegation on Roma issues which will also be in place until 2010.

The multi-ground approach of these types of organisations can be an asset since it makes it possible to focus on a field of activity or specific stakeholders who are engaged in or have a bearing on all grounds of discrimination. When it comes to developing guidance to promote and support good practice among stakeholders (in fields such as public service, education, private and public housing, public and private employment agencies, companies, real-estate agencies etc.), discrimination can be addressed as a whole from a multi-ground perspective with no hierarchy between the different grounds.

A tendency encouraged by the EU directives and widely fostered by the 'PROGRESS programme'

Legislative measures alone will not be enough to combat discrimination in society effectively. Experience shows that legislation must be backed up by concrete actions. This is why, following the European directives on racial equality and equal treatment in employment, the European Council launched an action programme designed to help make European anti-discrimination policy a reality.

In line with the general directions given by the directives, the European Council followed by the Commission scheduled an action programme designed to help make European anti-

discrimination policy a reality. This programme, more recently completed by the PROGRESS programme⁴, includes concrete actions to promote equality and **encourages and financially supports national activities to promote equality, some of which are coordinated by national equality bodies (training, campaigns, information seminars etc.)**.

Within this framework, the EU declared 2007 the European Year of Equal Opportunities for All. The initiative sought to make people in the European Union more aware of their **rights to equal treatment**. The Year also generated a major debate on the **benefits of diversity** both for European societies and individuals (some of the national equality bodies were the coordinators of this campaign at national level, e.g. Ireland, Belgium and France).

Since 2008, a campaign named “For Diversity against Discrimination” has been running in all 27 EU Member States to raise awareness of discrimination and of the legislation that exists to combat it, as well as to promote the benefits of diversity. The campaign aims to fight discrimination based on a person’s race or ethnic origin in all areas of life (which is outlawed under the Racial Equality Directive, 2000) and based on age, disability, sexual orientation and religion or belief in the workplace (which is illegal under the Employment Equality Directive, 2000).

⁴ See http://ec.europa.eu/employment_social/progress/index_en.html

Chapter 2

Promotion of equality in the law

In the EU Directives

The Racial Equality Directive, the amended Gender Equal Treatment Directive and the Gender Equal Treatment in Goods and Services Directive require Member States to designate a body or bodies for the promotion of equal treatment.⁵ Neither these directives nor the Employment Equality Directive are very precise with regard to promotion of equality and prevention of discrimination.⁶ Yet, in some articles, they call on Member States to grant competences in relation to the preventive and positive side of anti-discrimination:

*“With a view to ensuring full equality in practice, the principle of **equal treatment** shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin”.*

(Racial Equality Directive, Article 5, *Positive action*)

*“Member States shall, in accordance with their national traditions and practice, take adequate measures to promote dialogue between the social partners with a view to **fostering equal treatment**, including through the monitoring of workplace practices, collective agreements, codes of conduct and through research or exchange of experiences and good practices.”*

(Employment Equality Directive, Article 13, *Social dialogue*)

*Where consistent with their national traditions and practice, Member States shall encourage the social partners, without prejudice to their autonomy, to conclude at the appropriate level agreements laying down **anti-discrimination rules** in the fields referred to in Article 3 which fall within the scope of collective bargaining. These agreements shall respect the minimum requirements laid down by this Directive and by the relevant national implementing measures.*

(Employment Equality Directive, Article 14, *Dialogue with non-governmental organisations*)

In national law allowing the creation of National Equality Bodies in the EU

The **British** Commission for Equality and Human Rights, the Equality Commission for **Northern Ireland** and the **Swedish** Ombudsman have **binding powers** to ensure that positive duties imposed upon the public and private sector are complied with. A positive duty is a requirement that organisations promote equality and diversity in all aspects of their work, in a manner that involves employees, employers and service-users alike. This is a proactive approach which creates binding obligations on employers and actors designated by law, such as the State or public bodies, with regard to management or public policy. The emphasis is on achieving results, backed by enforcement mechanisms and by the assessment of outcomes by the equality bodies in charge of monitoring these mechanisms. The **Northern Ireland** and **British** Commissions' lengthy experience with positive duties is noteworthy.⁷

⁵ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in access to and supply of goods and services.

⁶ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁷ See Chapter 4, section 5 on Positive Duties

Furthermore, some equality bodies, for instance in **Ireland**, develop codes of practice which set out practices required for the elimination of discrimination and the promotion of equality and which are subsequently approved by the Minister for Justice, Equality and Law Reform.

Outside these legally framed and concrete positive action measures, the more generic concepts of promotion of equality, equal opportunities or diversity are rarely clarified in national legal systems. Promotion of equality is often defined in terms of going beyond mere compliance with the law. It provides for the adoption of incentives and awareness-raising measures to promote equality and prevent discrimination. There is a large variety of measures such as training, prevention and awareness-raising activities, research and study projects, consultations with civil society, partnerships and agreements, and positive or corrective measures.

In **Belgium**, article 2 of the Act of 15 February 1993 setting up a Centre for Equal Opportunities and Opposition to Racism provides that the Centre has a duty to “promote equal opportunities”.

The Act of 16 December 2002 establishing a **Belgian** Institute for Equality between Men and Women entrusted the Institute with the power to “draw up instruments and strategies based on an integrated approach to the gender dimension”.

In April 2004, the **Estonian** parliament ratified a Gender Equality Act which aims to reduce gender-based discrimination in all areas of life, including the labour market, the workplace, education, social security and other spheres. According to this act, the institution of the Gender Equality Commissioner was created in October 2005. The main tasks of the Commissioner concerning the promotion of equality are to monitor compliance with the provisions of the Gender Equality Act and implementation of the measures to enhance gender equality.

The **Irish** Equality Authority has been given the function of promoting equality of opportunities in relation to employment and vocational training (Employment Equality Act, 1998 and Equality Act, 2004) and in other fields covered by the Equal Status Act of 2000, which covers the provision of goods and services. Thus, article 39 (b) of the 1998 Employment Equality Act provides that one of the general functions of the Authority is to “promote equality of opportunity in relation to the matters to which this Act applies”.

In **Great Britain** Article 8 of the 2006 Equality Act stipulates that the British Commission for Equality and Human Rights shall:

- “(a) promote understanding of the importance of equality and diversity,
- (b) encourage good practice in relation to equality and diversity,
- (c) promote equality of opportunity,
- (d) promote awareness and understanding of rights under the equality enactments,
- (e) enforce the equality enactments [...]”

In **France**, under article 15 of the law of 30 December 2004 establishing the Independent High Commission against Discrimination and for Equality (HALDE), the institution has a duty to promote equality. The HALDE conducts communication and information activities with a view to promoting equality; encourages the implementation of educational programmes; conducts and coordinates studies and research projects within its mandate and fosters initiatives from public or private bodies in relation to drawing up and adopting commitments with a view to promoting equality; identifies and promotes good practices regarding equal opportunities and equal treatment; and may recommend any legislative or regulatory change. The Government consults the HALDE on any bill combating discrimination and promoting equality and can also do so on any related issues.

In **Lithuania**, Article 3 of the Law on Equal Opportunities for Women and Men sets out the duties of state, government and administrative institutions in relation to the

implementation of equal rights for women and men. They include an obligation to 1) draw up and implement programmes and measures aimed at ensuring equal opportunities for women and men and 2) in the manner prescribed by laws, support the programmes of public establishments, associations and charitable foundations which assist in implementing equal opportunities for women and men.

Article 3 of the Lithuanian Law on Equal Treatment adds the duty to draft and implement programmes and measures to ensure equal treatment regardless of age, sexual orientation, disability, racial or ethnic origin, and religion or belief; as well as, in the manner prescribed by the laws, to provide assistance to the programmes of religious communities, associations and centres, other non-government organisations, public agencies and charity and sponsorship foundations, which assist in the implementation of equal treatment of persons without regard to their age, sexual orientation, disability, racial or ethnic origin, and religion or beliefs. According to the recently passed Law on Equal Rights (19 of June 2008) the principle of equality will not be applied to educational institutions that have constitutive documents proving their religious ethos.

In **Norway**, the Equality and Anti-Discrimination Ombud was established on the 1st of January 2006. Its duties include the promotion of equality and combating discrimination on the basis of gender, ethnic origin, sexual orientation, disability, age, religion, language, political conviction and trade union membership. The Ombud upholds the law and promotes equality in all areas of society by:

- issuing deliberations with regard to complaints and providing information concerning legal rights and responsibilities;
- surveying general trends and identifying and publicizing conditions in contravention with equal opportunity and non-discrimination;
- providing information, support, and guidance to public, private, and non-profit agencies in order to raise awareness;
- providing employers with information and guidance regarding matters of affirmative action;
- developing a greater understanding of the mechanisms behind inequality and discrimination through documentation and monitoring;
- serving as a forum and an information centre for the public at large, as well as a focal point for co-operation between organisations and services that also seek to promote equality and combat discrimination.

In **Italy**, Article 7 of the Council of Ministers' Legislative Decree 215/2003 establishing the National Office against Racial Discrimination (UNAR) includes, among others, the following duties:

- promoting specific measures, including positive action, by public or private bodies in order to avoid or balance disadvantageous situations connected to race or ethnic origin;
- disseminating information about protection measures, raising public awareness and planning information and communication campaigns;
- conducting studies, research and training courses and exchanging experience in collaboration with relevant associations and institutions, specialised research units and non-governmental organizations, in order to develop guidelines for combating discrimination.

In **Cyprus**, the Ombudsman's mandate to act as an independent equality body was extended with the implementation of Law 42(1)/2004 on 1st of May 2004. The said Law foresees actions that can be taken by the Ombudsman to promote equality.

In **Germany**, article 27 (3) of the General Act on Equal Treatment requires the Federal Anti-Discrimination Agency to adopt and implement measures to prevent discrimination on the grounds of age, disability, ethnic origin or "race", gender, sexual orientation and religion or belief.

In **Slovenia** the Act Implementing the Principle of Equal Treatment stipulates in Article 7 that within the framework of their competences, the National Assembly of the Republic of Slovenia, the Government of the Republic of Slovenia, ministries and other state bodies and bodies of self-governing local communities shall ensure conditions for equal treatment of persons, regardless of any kind of personal qualities, through raising awareness and monitoring the situation in this field, as well as through measures of a normative and political nature. In the Slovenian case, the role of the Office for Equal Opportunities is to provide general information and explanations regarding discrimination including highlighting irregularities identified during case hearings and formulating recommendations on how they should be eliminated.

In **Latvia**, the Ombudsperson has a legal obligation to promote equality and monitor the observance of human rights.

In **Slovakia** the National Centre for Human Rights works as a national human rights institution and national equality body. The Centre was established by Act of the National Council of the Slovak Republic No. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights as of 1. January 1994.

The competencies of the Centre were extended by Act No. 365/2004 on Equal treatment in Certain Areas and on Protection from Discrimination which amends and supplements certain acts (e.g. the Anti-discrimination Act) and implements the relevant European anti-discrimination legislation. These competencies were further extended by amendment of the Centre's Act of establishment. The current competencies including those relating to the promotion of equality are as follows:

- a) monitoring, evaluation and observation of human rights and the principle of equal treatment;
- b) gathering and upon request providing information on racism, xenophobia and anti-Semitism in the Slovak Republic;
- c) conducting research and surveys to provide data in the area of human rights;
- d) gathering and disseminating information in this area;
- e) organizing educational activities and participation in information campaigns aimed at increasing tolerance in society.

In **Romania**, according to Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, "(1) The National Council for Combating Discrimination is responsible for applying and respecting the provisions of the present law in its field of activity, as well as the harmonization of provisions from normative and administrative acts which are infringing the principle of non-discrimination. (2) The Council is also responsible for preparing and enforcing public policies in matters of non-discrimination. For that purpose, the Council will hold advisory meetings with the public authorities, NGOs, trade unions and other legal entities whose purpose it is to protect human rights and which have a legitimate interest to combat discrimination."

In **Spain**, the Royal decree 1262 of 21 September 2007 foresees that the Council for the Promotion of Equal Treatment and Non-Discrimination on the grounds of Racial or Ethnic Origin should have the following competencies: conducting fully autonomous studies and research; issuing reports (on its own initiative or on the initiative of the general administration); adopting measures in order to contribute to equality of treatment; formulating initiatives and issuing recommendations on programmes and national plans linked to promotion of equal treatment and non-discrimination issues; informing institutions on promotion of equal treatment and non-discrimination; launching awareness raising actions, information actions and training programmes and building partnerships with local, national and international stakeholders.

In **Bulgaria**, according to the Law on Protection against Discrimination, apart from the work on discrimination cases, the Bulgarian Commission for Protection and against Discrimination is entitled to conduct independent research on equality issues, publish reports and make recommendations on equality promotion.

Chapter 3

Responsibility for the promotion of equality

Some national equality bodies have established departments or units in charge of the promotion of equality.

In **Belgium**, the Centre for Equal Opportunities and Opposition to Racism has an Integration and Training Department which carries out promotion of equality tasks.

At the **Belgian** Institute for Equality between Men and Women, the gender mainstreaming unit and the research unit take on this role.

In **Denmark**, the Department of Justice and Equal Treatment at the Danish Institute for Human Rights has the primary responsibility for promoting equal treatment.

In **Ireland**, the Development Section of the Equality Authority as well as the Communications and Research Sections have competencies in this field.

In **Italy**, the Study, Research and Institutional Relations Service of the National Office against Racial Discrimination is in charge of these activities.

In **Great Britain**, the Communications Department takes on these duties for the Commission for Equality and Human Rights.

In **Sweden**, the Communications Department under the Ombudsman against Ethnic Discrimination is in charge of training, information and cooperation with external partners. The Department of Proactive measures supervises the implementation of equality promotion measures by employers, schools or higher education institutions. The Department of Development Issues is responsible for a mutual education and empowerment process involving specific groups that are the target of racism as well as advice concerning the anti-discrimination strategies of certain state agencies.

In **France**, the Independent High Commission for Equality and against Discrimination has established a Department for Promoting Equality.

In **Northern Ireland** the Equality Commission consists of five core departments one of which is the Policy and Development Division responsible for the promotion of equality in public policy developments through research and evaluation activities.

In **Germany**, the Federal Anti-Discrimination Agency's public relations and research departments are in charge of preventing discrimination.

In **Slovakia**, all four departments of the National Centre for Human Rights have promotion of equality tasks, as per the Statute of the Centre. The Department of education, training and information services bears the highest responsibility related to promotion of equality. This department provides educational activities for different target groups. Promotion of equality is included in expert opinions issued by the Centre. More recently, by amendment of the Slovak Anti-discrimination Act on 1 April 2008, promotion of equality can also be included in recommendations and reports regarding the observance of the principle of equal treatment, as well as in the conclusions of independent inquiries.

In **Romania** the National Council for Combating Discrimination has established a special unit in charge of promoting equality and preventing discrimination: the Directorate for Programs and International Relations.

In **Latvia**, the Office of the Ombudsman has a special Discrimination Prevention department which supervises not only implementation and enforcement of EU non-

discrimination directives, but also other international human rights documents upholding the principle of non-discrimination. The Discrimination Prevention department also addresses issues concerning the general principle of equality (differential/equal treatment on grounds other than those provided by the principle of non-discrimination, such as race, sex, disability, etc.)

In **Norway**, the Equality and Anti-Discrimination Ombud's Department of Documentation and Policy Promotion is responsible for performing the following promotion of equality activities: uncovering and pointing out conditions which impede equality and equal treatment; contributing to increasing awareness and promoting changes in attitudes and behaviour; providing information, support and guidance in the workplace to promote equality and fight discrimination; providing advice and guidance with regards to ethnic diversity at work to employers in the public and private sector; imparting knowledge and developing documentation about equality and supervising the nature and scope of discrimination; acting as a meeting place and information centre that helps to arrange cooperation between relevant participants.

Other bodies, which are smaller in size or have opted for a different organisational structure (for instance by field of discrimination, such as employment, housing etc. and/or by ground of discrimination) have not set up a specific service dedicated to the promotion of equality. However, they usually assign some staff members to these activities. This is the case of **the Austrian, Cypriot, Dutch, Estonian, Finnish, Lithuanian and Slovenian** bodies. The **Greek** Office of the Ombudsman assigns staff members to carry out the promotion of equality mission through communication and awareness-raising campaigns and networking with public institutions and NGOs. In the **Bulgarian** Commission for Protection against Discrimination most staff members participate in the organisation of promotion of equality activities. Promotion of equality is also among the responsibilities of the Public Relations Department and Deputy Chairperson.

Chapter 4

Promoting equality in practice: types and levels of action

Promotion of equality, understood as positive and proactive measures introduced to combat unequal treatment, can take multiple forms and be deployed on many levels by national equality bodies. For the sake of clarity in this core part of our document, these various types of actions and initiatives have been thematically classified into seven subsections covering respectively: awareness raising and communication issues; cooperation with a range of stakeholders; training; resources for key actors and putting equality into practice via tools, guidance and good practices; positive duties; data collection, research and study; and local action.

1. Awareness-raising and communication

A number of bodies have established special communication departments⁸ or assigned staff members to be responsible for communication tasks.⁹ These departments are usually in charge of relations with the media or, more generally, public relations. They create communication strategies to inform the general public or specific target groups, hold information sessions and answer requests for information. They are usually in charge of developing and updating the equality bodies' websites.

Most of the national equality bodies organize information and awareness-raising campaigns. These actions are sometimes part of wider-scale projects, including conferences, seminars, and working groups, training sessions or the publication of guidelines.¹⁰

These information campaigns are mainly aimed at increasing awareness of discrimination, developing recognition for national equality bodies and informing people who feel they have been discriminated against about available remedies.

The **Irish** Equality Authority organises an annual 'Work-Life Balance' day. This day seeks to promote awareness of the need to establish and maintain a balance between private and professional life and to stimulate and support a practical response to these issues in workplaces. An annual "Say No to Ageism" week is also organised with a focus on older people, as well an annual Anti Racist Workplace Week. These initiatives combine public awareness activities as well as initiatives to support new practice in these areas.

In **France**, the HALDE ran a civic information campaign in major national media via television, newspapers, radio and the Internet, from 27 November to 10 December 2006. A poster campaign in the four major French cities (Lille, Lyon, Marseille and Paris) followed in early 2007, organised in collaboration with the Association of Mayors of French Cities (AMGVF). The HALDE proclaimed education as one of its priorities during the year 2008 and recently launched an awareness raising campaign addressed to young people. The campaign includes a blog designed to explain the risks and processes of discrimination and the measures to fight it. The blog also aims to provide an opportunity for young people to engage in the anti-discrimination battle. The campaign appears to be very successful given the high number of registered users in the first month of operation.

⁸ Institute for Equality between Men and Women (Belgium), Human Rights and Youth Rights Commission (Quebec), Danish Institute for Human Rights, Equal Employment Opportunity Commission (United States), Equality Commission for Northern Ireland, Equality and Anti-Discrimination Ombud (Norway), Equality Authority (Ireland).

⁹ Centre for Equal Opportunities and Opposition to Racism (Belgium), Office of the Chancellor of Justice (Estonia), Independent High Commission against Discrimination and for Equality (France), National Office against Racial Discrimination (Italy), Office of Equal Opportunities Ombudsperson (Lithuania).

¹⁰ See also "Communiquer sur l'égalité et la non-discrimination dans l'Union Européenne", European Commission, 2008

In **Bulgaria**, the Commission for Protection against Discrimination organised a national information campaign the main objective of which was to promote and explain EU anti-discrimination legislation, its transposition into national law as well as the powers and competencies of the Commission itself.

A number of national equality bodies' awareness-raising campaigns focus first and foremost on issues of employment and workplace related conditions.

The Equality Commission for **Northern Ireland** in cooperation with the **Irish** Equality Authority organised an all-island Anti-Racist Workplace Week in order to promote initiatives among enterprises to respond to cultural diversity and to create integrated workplaces.

Increasing attention is being paid to discrimination on the grounds of age. In August and September 2006, the Equality Commission for Northern Ireland held free information sessions targeted at employers to prepare them for the entry into force of age discrimination provisions.¹¹ Additionally, leaflets announcing the newly created law were issued and disseminated. The Irish Equality Authority's Say No to Ageism Week is an initiative of the Equality Authority, the Health Service Executive and the National Council on Ageing and Older People. It seeks to raise awareness of ageism and to promote practical action for 'age friendly' service provision in key sectors.

Discrimination on grounds of sexual orientation is also a topic for action campaigns, especially in the **Netherlands, Northern Ireland, Belgium and Lithuania**.¹²

In **Northern Ireland**, the "Inside & Out" project called on people to write anonymously on the Equality Commission website about their experiences of being discriminated against on grounds of sexual orientation, as a response to the new regulations which came into force on 1 January 2007 making it unlawful to discriminate on these grounds in the provision of goods, facilities and services, education and public functions.

The **Irish** Equality Authority and the 'BeLonG To' Youth Project launched a campaign to give visibility at schools to the issue of homophobic bullying.

The **Lithuanian** Office of Equal Opportunities Ombudsperson was a partner in the EQUAL project for an open and safe labour market which focuses on discrimination on grounds of sexual orientation. It has also launched a number of projects on reconciling professional and private life (focusing on an awareness-raising campaign, which was truly successful), gender equality in local development, rights of the disabled, efforts against racism and xenophobia, etc. Thanks to the European Year of Equal Opportunities the Office has been able to produce radio programmes on discrimination issues and a series of documentaries and TV advertisements.

The **Belgian** Centre for Equal Opportunities also intends to focus on this ground of discrimination in its next campaigns. A previous campaign against discrimination on this ground was launched in 2006, on the International Day against Homophobia (May 17). From 16 to 29 May, 105,000 postcards focusing on the Centre's work related to this form of discrimination were distributed through 950 distribution points. The postcards were available (for free) in cafes, restaurants and other public places. The provocative slogan on the front sought to attract attention whilst the back provided information on where to report discrimination.

¹¹ There are currently many projects on age and disability as a number of Member States have taken advantage of the option to request an additional period of up to three years to bring their legal systems into line with the provisions on disability and age, in order to take account of special circumstances. Directive 2000/78/EC was set to enter into force on 2 December 2003 (for the EU-15) and 1 May 2004 (for the ten new Members). For age discrimination, Sweden, the UK (including Gibraltar), Germany, Belgium, Ireland and the Netherlands notified the Commission that they would extend the deadline for the full three years to implement the age discrimination provisions, whereas France and the UK (including Gibraltar) asked for the same deadline extension in relation to disability discrimination.

¹² For instance the Dutch Equal Treatment Commission ran a campaign against discrimination on sexual orientation in work situations.

In 2008, on the International Day for the Elimination of Racial Discrimination (March 21), the Centre organized an awareness-raising campaign concerning Cyberhate. On the Centre's website, a "Return to Sender" message could be registered, enabling people to react to e-mails with racist or discriminatory content. With this campaign, which was specifically targeted at young people, the Centre aimed to raise awareness about the increasing problem of racism, discrimination and hate speech on the Internet. Additionally, the Centre's Cyberhate hotline handles complaints of discriminatory or racist expressions on the Internet. During the course of the year the webpage has registered a considerable increase in the number of complaints related to racism and discrimination on the Internet. Apart from handling complaints, the Centre has been working on preventive and educational work related to Cyberhate.

The **British** Commission for Equality and Human Rights has established a digital strategy, drawing on the experience of interactive and social networking sites such as YouTube, to encourage new audiences to get involved with their work. The Commission is also undertaking a Human Rights Inquiry to assess progress towards the effectiveness and enjoyment of a culture of respect for human rights in Great Britain and to consider how the current human rights framework might best be developed and used to realise the vision of a society built on fairness and respect, confident in all aspects of its diversity. The findings of this inquiry are intended to be used to raise awareness of human rights.

The **Slovak** National Centre for Human Rights organized a series of national awareness raising activities for 2005 and 2006 which focused mostly on addressing the issue of discrimination in education.

The **Romanian** Council produces and distributes materials (T-shirts, hats, pens, posters, leaflets, booklets, banners etc.) for awareness raising campaigns and for other types of campaigns or actions.

Within the scope of the 2007 European Year of Equal Opportunities for All, national equality bodies organized communication and awareness-raising campaigns addressing the issue of promotion of equality in different areas.

The **Belgian** Centre for Equal Opportunities and Opposition to Racism was designated coordinating body for the Year in Belgium. It performed this task in cooperation with the Institute for Equality between Men and Women. Several actions focusing on promotion of equality were undertaken: creation of a website and an e-newsletter concerning the Year 2007, organisation of a theme week in the audiovisual and printed press (including a TV advert), organisation of an event and dissemination of a practical guide on mainstreaming equal opportunities at the local level (municipalities and towns).

The **Danish** Institute for Human Rights produced a minute-long TV advertisement, "Discrimination hurts", in cooperation with the Department of Gender Equality. The advertisement was broadcast on national television.

The **Cypriot** Ombud carried out an awareness raising campaign with regard to discrimination of people with disabilities in employment. The campaign included creating a website, disseminating brochures and organizing conferences.

The **Irish** Equality Authority and the Department of Justice, Equality and Law Reform ran a cinema-based campaign as part of the European Year of Equal Opportunities, to promote awareness of the requirements in order to achieve reasonable accommodation for people with disabilities.

The **Bulgarian** Commission for Protection against Discrimination was nominated as a partner of the Ministry of Labour and Social Policy to carry out all activities within the scope of the European Year of Equal Opportunities.

Social perception and media visibility acquired through awareness-raising campaigns also serve as indicators for assessing and evaluating the activities of national equality bodies.¹³ The effectiveness of these activities can be measured in terms of the reputation of the institution and the trust accorded to it by the public, through surveys and polls.

In **Estonia**, the Chancellor of Justice measures the level of social trust.

The French HALDE conducts a public opinion survey every six months on the perception of discrimination and the institution's reputation among the general public.

Some equality bodies measure the success of their activities on the basis of impact assessment, for instance by counting the number of interventions in the media, the number of external interventions or the number of brochures disseminated.¹⁴

The **Dutch** Equal Treatment Commission also evaluates the impact of its actions by analysing the follow-up to its judgments.

Additionally, most national equality bodies are obliged to prepare Annual Reports summarising all their activities and evaluating their impact with regard to preventing discrimination and promoting equality. The results included in the reports are subsequently submitted for approval to the Government, the President, and the Parliament or, in some cases, to a specially designated Advisory Board.

2. Cooperation with stakeholders

2. a. Advice, expertise and financial support

A number of specialised bodies, in addition to offering advice and assistance to various stakeholders, also have the power to provide them with financial support. This applies to the **Belgian, Irish, British** and **Romanian** equality bodies.

The **Belgian** Institute for Equality between Men and Women supports associations actively dealing with equal treatment of men and women or projects aiming to achieve gender equality. The Institute offers two kinds of subsidies: structural subsidies in accordance with previously signed agreements and ad hoc grants to fund specific projects.

The **Irish** Equality Authority is empowered to monitor the implementation of equality legislation and to formulate recommendations for change to the Minister for Justice, Equality and Law Reform. The Equality Authority made a comprehensive set of such recommendations when the Irish Government was reviewing the equality legislation with a view to transposing the EU Equal Treatment Directives. The Irish Equality Authority has worked with Social Partners to develop guidelines to help organisations to be planned and systematic in their approach to equality. A funding mechanism has been established to support small and medium enterprises that implement these guidelines.

The **British** Commission for Equality and Human Rights has established a network of help lines based in **England, Scotland** and **Wales**. The helpline advisors are specially trained to handle the variety of cases, including responding to requests for particular documents or information. Apart from the advisory role and the provision of expertise, the Commission, under the Equality Act 2006 has the right to give financial assistance to organizations promoting equality and diversity, good relations and human rights. Additionally, it runs a capacity development programme to help organizations improve the services they provide.

¹³ Independent High Commission against Discrimination and for Equality (France), Equal Opportunities Ombudsman (Lithuania), Office of the Chancellor of Justice (Estonia)

¹⁴ Equal Employment Opportunity Commission (United States)

The **Romanian** National Council for Combating Discrimination provides financial assistance for promotion of equality activities – there is a special sum in the budget of the NCCD devoted to financing activities performed by NGOs and (co)financed by the NCCD.

In the case of the **Netherlands, Sweden, Norway** and **Lithuania**, assistance is limited to technical help and advice.

The **Dutch** Equal Treatment Commission advises the Government, the Parliament and local, national and international organisations (both public and non-public) on issues related to equal treatment, upon request or on its own initiative. At the request of companies, government bodies or other institutions, the Commission may assess their policies, practices or regulations, and examine their compliance with the Equal Treatment Act.

The **Swedish** Ombudsman against Ethnic Discrimination, the Swedish Ombudsman against Discrimination due to Sexual Orientation and the Swedish Agency for Disability Policy Coordination currently offer advice and assistance to government agencies that have a specific duty to develop anti-discrimination strategies.

In **Norway** and in **Lithuania**, in addition to handling individual discrimination complaints and providing advice to individuals, the Equality and Anti-Discrimination Ombudspersons also offer free advice on equality and anti-discrimination issues to employers, employee organizations, interest groups, government agencies and the general public. The Ombuds' offices have produced various information pamphlets, booklets, and brochures and developed presentations for various target audiences, as well as issuing annual reports. In addition the Ombudspersons are members of various advisory committees.

2. b. Consultation

A number of national equality bodies share their opinions and actions and engage in consultations with the various national stakeholders: public authorities, companies, trade unions and non-governmental organisations.¹⁵

In order to improve communication with various stakeholders and to create a space for exchanging ideas and opinions, several national equality bodies have founded Advisory Boards or Committees gathering together the representatives of different institutions, both non-governmental and public as well as other associations and bodies. Such Advisory units exist in **Germany, France, Denmark, Ireland** and **Lithuania**.

In **Germany**, the Federal Anti-Discrimination Agency cooperates with various civil society stakeholders. The Agency's Advisory Board of 16 representatives of organisations and experts in the anti-discrimination field was established in order to promote dialogue with social groups and organisations within civil society that work to achieve protection against discrimination on the grounds of age, disability, ethnic origin or "race", gender, sexual orientation, religion or belief. The nomination of the Advisory Board is regulated by the General Act on Equal Treatment (Article 30).

In **France**, the HALDE has established an 18-member Advisory Committee of experts selected as individuals and on the basis of a proven anti-discrimination track record (representatives from associations, trade unions, professional bodies and other actors that are engaged in the field). The Advisory Committee generates a unique kind of cooperation and provides a window on civil society. The HALDE Council can request opinions from the Advisory Committee to enrich internal debate.

¹⁵ Ombud for Equal Treatment (Austria), Danish Institute for Human Rights, Office of the Chancellor of Justice (Estonia), The HALDE (France), Federal Anti-Discrimination Agency (Germany), Equality Authority (Ireland), Equal Treatment Commission (Netherlands), Commissioner for Civil Rights Protection (Poland), Ombudsman (Lithuania)

An Equal Treatment Committee was established in **Denmark** in April as a strategy for implementing equal treatment for the six grounds covered by EU legislation: age, gender, race and ethnic origin, disability, religion and belief and sexual orientation. The Committee works with the participatory action research method and consists of 12 non-governmental organisations and institutions representing the six grounds of discrimination. The Committee's purpose is to advise the Danish Institute for Human Rights on different issues regarding equal treatment and discrimination. Moreover it is a platform for the organisations to exchange experiences across areas. The Committee holds meetings four times a year.

In **Ireland**, the Equality Authority has convened three separate Advisory Committees to develop a report and recommendations in relation to two groups experiencing inequality: older people and lesbian, gay and bisexual people. The committees brought together NGOs, Social Partner organisations and relevant public sector organisations. Three separate reports were published. The Irish Equality Authority also convenes a quarterly meeting with NGOs representing groups experiencing inequality across the nine equality grounds covered by Irish legislation. These meetings serve to brief NGOs on the work of the Equality Authority, to get feedback on this work and to explore and address issues of common concern.

In **Lithuania**, the Office of the Equal Opportunities Ombudsperson acted as the National Implementing Body for the European Year of Equal Opportunities. An Advisory Committee was established to draw up and implement the strategy for the year. The Committee acted as a consultative forum throughout 2007. Though it ceased official activity at the beginning of 2008, the network that was created remains a useful space for exchanging information.

Denmark and **France** have used the consensus conference model in order to create a public debate, allowing experts and stakeholders to express their views on a specific issue and leading to the formulation of recommendations.

The consensus conference model was chosen by the **Danish** Institute for Human Rights to deal with the issue of inclusion within the framework of its current project on "diversity in work life". The project aims to promote and provide information about diversity and equal treatment in work life, through various activities. An annual award, the MIA prize, was instituted in 2003 to acknowledge Danish private and public companies that have contributed to the promotion of diversity and equal treatment in the workplace through company policies and management. The MIA team also works on a compliance tool for companies and offers consultations for companies that need help or advice in relation to diversity in the workplace.

In 2006, the Government asked the **French** HALDE to organise a consensus conference on the issue of social diversity in housing, in cooperation with the National Council for Housing. The conference launched a public debate allowing experts and stakeholders to express themselves, discuss how to improve social diversity in housing and make recommendations to the government.

National Equality Bodies either create temporary advisory groups designated to handle a particular issue at stake, or participate in various committees and boards within the scope of specific agreements with different social actors.¹⁶

In **Great Britain**, the Commission for Equality and Human Rights is committed to working in partnership with its stakeholders and has created a special unit in charge of relations with the various stakeholders. The institution consulted stakeholders while establishing the 2008/9 business plan and will be hosting their first stakeholder

¹⁶ Commission for Equality and Human Rights (Great Britain), Equality Commission (Northern Ireland), Office of the Commissioner for Administration (Cyprus), Equal Treatment Commission (the Netherlands), Institute for Equality between Men and Women (Belgium), Centre for Equal Opportunities and Opposition to Racism (Belgium)

conference later this year. The Commission is also committed to working with business and the private sector to promote fairness in the workplace, including providing high quality information, advice and guidance tailored to individual business needs.

The Equality Commission for **Northern Ireland** organises consultations in order to gather the opinions of stakeholders or the general public. It recently launched a consultation on a draft guide to promote positive attitudes towards disabled people and to encourage participation of disabled people in public life. The purpose of the guide is to help public authorities meet their new obligations under the Disability Discrimination Act 1995 that came into effect on 1 January 2007.

In **Cyprus** the Ombudsman sometimes enters into consultations with stakeholders within the framework of investigations conducted in relation to specific cases/issues. In addition, the Office of the Ombudsman is a member of various committees/groups that deal with issues of discrimination (e.g. the Cyprus National Working Group for the implementation of the "For Diversity. Against Discrimination" campaign and the Cypriot Organizing Committee for the "2007 - European Year of Equal Opportunities for All".) As a member of these committees, the body regularly consults with various local stakeholders such as public authorities, NGOs, trade unions etc.

The **Dutch** Equal Treatment Commission regularly communicates with representative organisations of the various groups that fall within the scope of the Dutch Equal Treatment Act, such as the organisation for Disability & Study. It also holds consultations with civil society, for example when drawing up recommendations on equal treatment. The Commission consulted several organisations for a recommendation on how to prevent discrimination on the ground of age (employers' organisations, unions, ministries, and the national age organisation). It will also hold a consultation in 2008 with organisations involved in vocational training, representatives of several ministries and representative organisations in order to discuss instruments which will help make vocational training accessible for disabled and chronically ill people.

In **Belgium**, the Institute for Equality between Men and Women is entrusted by law to set up a network with key players in the field of gender equality. Throughout 2006, the Belgian Centre for Equal Opportunities and Opposition to Racism and the Business & Society Belgium network worked together to tackle diversity management in a practical and interactive manner. Employers, trade unions and State representatives could react to the conclusions and recommendations resulting from these debates. In 2007 two follow-up seminars were organised. The aim of these seminars was to find a way to systematize good practices recorded at grassroots level.

In **Estonia**, non-profit organisations may provide information on social issues to the Chancellor of Justice who may benefit from their knowledge and their capacity to help identify the seriousness of a problem and point to key issues to be put on top of the agenda. Non-profit associations help inform the public about recommendations and proposals issued by the Chancellor of Justice and spread information about the institution of the Chancellor.

In **Bulgaria**, the Commission for Protection against Discrimination has established several formal agreements with the Confederation of Independent Trade Unions and with the State Agency for People with Disabilities. It cooperates closely with NGOs and foundations such as the Bulgarian Centre for Gender Research, the Bulgarian Organisation for Personal Alternative and the Bulgarian Centre for Non-profit Law.

In some countries there is no formal cooperation with other stakeholders but the equality bodies nevertheless collaborate on a less formal basis with numerous institutions and associations.

For example in **Latvia**, the Ombudsman's office has not entered into any official partnerships but cooperates closely with non-governmental organisations representing different groups and issues for example women's rights, the rights of African people, Roma people, and the rights of disable people. The Ombudsman's Office also collaborates with social partners, namely the trade unions and the Association of Employers.

In **Slovakia**, the National Centre for Human Rights cooperates extensively with employers, labour inspectorates, labour offices and relevant institutions, mostly in connection with handling cases of alleged discriminations or publishing expert opinions from the centre's legal department.

2. c. Thematic partnership agreements

Several equality bodies have entered into partnership agreements with companies, employers, trade unions, public authorities or non-governmental organisations in order to work together on key issues with regard to promotion of equality and prevention of discrimination. Most of the national equality bodies have established partnerships to address issues relating to inequalities in the labour market (**Belgium, France, Sweden, Romania, Italy, Lithuania, Slovakia, Austria**), access to goods and services including health care services and housing (**Belgium, Romania, Ireland, Denmark**), education (**Romania, Ireland, France, Italy**), ethnic minorities and stereotypes (**Greece, Italy**), sport (**Belgium, Romania**), accommodation of people with disabilities (**Ireland**) and gender inequalities (**Austria, Slovakia**).

The **Belgian** Centre for Equal Opportunities and Opposition to Racism prepared an outline agreement with real-estate agencies as part of a broader programme to combat discrimination in the field of housing which will also include campaigns targeted at landlords and the general public.

The Centre has also signed an agreement protocol with all trade unions concerning information exchange and processing of complaints relating to the anti-discrimination and anti-racism laws. There are three main trade unions: the socialist trade union *Algemeen Belgisch Vakverbond-Fédération Générale du Travail de Belgique* (ABVV-FGTB); the Christian trade union *Algemeen Christelijk Vakverbond-Confédération des syndicats chrétiens* (ACV-CSC); and the liberal trade union *Algemene Centrale der Liberale Vakbonden van België-Centrale Générale des Syndicats Libéraux de Belgique* (ACLVB-CGSLB).¹⁷ All trade unions provide legal counselling services. These services are accessible to members of the trade union as part of the services they are entitled to as affiliates. Victims of racism and discrimination in employment can resort to these legal counsels to receive advice or information about their rights. In addition to training and general information, the Centre and trade unions collaborate on individual complaints, with the approval of the complainants.

In the Brussels Region, where there is a large population of foreigners, people of foreign origin experience difficulties in finding employment matching their qualifications. The social pact concluded on 1 May 2001 aimed to improve their situation. In 2003, a federal anti-discrimination law was adopted. It was within this framework that Actiris (the Brussels service for mediation in the area of employment), in collaboration with the Centre for Equal Opportunities and Opposition to Racism, decided to set up a desk specialized in helping victims of discrimination in the field of employment. An Actiris consultant is responsible for receiving complaints and processing the initial analysis. He or she then decides whether specialized legal advice is necessary. If so, a meeting is organised between the victim and a legal advisor working for the Centre. Depending on the specific situation and the victim's wishes, further steps are taken (for instance

¹⁷ As employment is partly a competence of the regional authorities, the three national trade unions have regional sections, one for each of the three Regions. They also have specific sections for a number of activity sectors (e.g. *ABVV-Metaal* which targets the iron and steel industry in Flanders). In Flanders, trade unions operate in Flemish, in Wallonia in French and in Brussels in both French and Flemish.

mediation or legal action). Apart from assisting the victims of discrimination, the desk also provides information to employers and employees on topics related to discrimination in the area of employment.

The Centre for Equal Opportunities and Opposition to Racism cooperates with the Belgian police under a special agreement creating two full time positions in charge of performing this task. In 2007, the following concrete actions were taken:

- As part of basic police training programmes, training on anti-discrimination and anti-racism legislation and stereotypes were provided to police academies. The Centre also edited a manual for the trainers.
- For continuous training the Centre provided training on anti-discrimination laws, homophobia (a new programme) and conflict management.
- The Centre also works with the Equality and Diversity Service of the federal police on a campaign concerning a register of homophobic violence and supports the network of policemen who have voluntary meetings on diversity issues.

Since 2003, the Belgian Centre for Equal Opportunities and Opposition to Racism signs a yearly agreement with the Football Cell of the Federal Department of Internal Affairs. The focal point of this agreement is opposition to racism and discrimination and promotion of diversity in Belgian football. In 2007, as in preceding years, several concrete action points were defined: developing awareness-raising campaigns, drawing up clear guidelines and procedures against verbal abuse, conducting training sessions, working with football clubs and developing a pedagogical DVD and training package. From 10 to 29 October 2006, the Belgian Centre worked with the Royal Belgian Football Association, the Minister of Home Affairs, the federal Minister of Equal Opportunities and the regional Ministers of Sports on an awareness-raising campaign. The campaign focused on racist and discriminatory expressions during football matches. Supporters too often make so-called "jungle sounds" directed against players with a different skin colour or a different religious background. Supporters and football teams were called upon to speak out against this anti fair play attitude. Football clubs were asked to sign a charter against racism in football. During the campaign, a TV advertisement was also regularly shown on several channels.

The **Greek** Ombudsman in 2007 addressed an open invitation, through its website and major newspapers, to NGOs and other civil society organisations involved in protecting and supporting the Roma population. It called for an unofficial partnership between the various stakeholders in order to share information and knowledge and collectively work to promote equality and generate support for this group. The network currently has more than 30 partners. The network was established in order to address the pressing need to maintain regular contact with those groups of the population that suffer systematically from discriminatory actions and exclusion. It aims to encourage mediation through these organisations between the target group and the Greek Ombudsman, dissemination of critical information related to institutional tools and know-how, information gathering on the crucial problems faced by these groups and, above all, joint and coordinated action between the participating bodies.

In December 2007 the Eunomia project of the Greek Ombudsman organised and hosted an international workshop on "Lifting the Barriers of Social Participation: ROMA Population Cases before the Ombudsman" in which members of the Greek Ombudsman's Roma Network met with the following institutions:

1. Representatives of international institutions and EU bodies, such as the Human Rights Commissioner of the Council of Europe and the Office for Democratic Institutions and Human Rights of the OSCE.
2. Delegations of European Ombudsman institutions in south-eastern Europe, in particular the Ombudsman institutions of Albania, Bulgaria, Romania, Serbia and Slovenia. The Greek Ombudsman's Office was represented by a delegation consisting of the Greek Ombudsman, three Deputy Ombudsmen and senior investigators handling Roma cases.

3. Representatives of the public administration, in particular local and central administration structures dealing with civic registration (Ministry of Interior), education (Ministry of Education) and housing (Municipal and Regional authorities).

In **Romania**, the national Council for Combating Discrimination has established thematic partnerships and cooperation with numerous private and public institutions, trade unions, football federation, NGOs, universities and high schools creating common actions and programs to combat discrimination and promote equality.

The **Irish** Equality Authority has developed:

1. A partnership with the public sector Strategic Management Initiative to support a focus on equality in public sector service provision. Equality and diversity were put forward and accepted as guiding principles for the quality of customer service.
2. A partnership was also developed with the main employer and trade union organisations. This tripartite arrangement agreed on the need for, and made a shared commitment to, planned and systematic approaches to equality in the workplace and developed a range of initiatives to support this approach in the public and private sectors.
3. A partnership was developed with the Department of Education and Science to disseminate information on equality legislation to schools and to identify and promote strategies for schools to develop as 'inclusive schools'.
4. Additionally, cooperation was established with a range of networks of local service providers (shops, pharmacies, local authorities and credit unions) to enhance awareness among their members of the requirement under equality legislation to reasonably accommodate people with disabilities, to develop guidance materials on agreed good practice in this regard and to pilot the implementation of this guidance.
5. A partnership was developed with the Department of Health and Children and the Health Service Executive to disseminate information on the application of equality legislation in this sector and to identify and promote initiatives to develop equality competent health service provision.

The **French** HALDE signed agreements with the National Bar Council, the television channel "Public Sénat", the federation for real estate professionals (FNAIM), the Institute for Political Studies (Sciences Po Paris), the French Data Protection Authority (CNIL), the Association of Mayors of French Cities (AMGVF), the Association of Professionals for the Promotion of Employment over the Internet (APPEI), the National School for Magistrates (ENM), the National Police, the Departmental Councils for Access to Law (CDAD) and the National Centre of Territorial Staff Training (CNPTF).

In **Italy** the National Office against Racial Discrimination cooperates with journalists in order to fight stereotypes about immigrants. Moreover, UNAR entered into partnership with the Italian Banking Association (ABI) and organized study days created to inform and raise awareness among people working in the credit sector. In addition, for the past two years, UNAR had been developing a partnership with the Ministry of Public Instruction and with the Italian Conference of the University Chancellors (CRUI) in order to award prizes respectively for the best thesis in Italian higher education institutions and for doctoral dissertations on issues linked to combating racial discrimination. Finally UNAR signed an agreement with two attorneys' associations aimed at guaranteeing legal assistance for victims of discrimination.

In **Slovakia**, the National Centre for Human Rights is the sole institution dealing with all protected grounds of discrimination under the EU directives. The Human Rights and Minorities Section of the Slovak government office is the state authority charged with implementing anti-discrimination legislation. There is a Department of Gender Equality and Equal Opportunities operating within the Ministry of Labour, Social Affairs and Family of the Slovak republic. This department organizes legal and non-legal activities in the area of gender equality and equal opportunities. It also coordinates and is in charge of state policies on gender and equal opportunities. The Slovak confederation of trade unions created the Commission for Equality between Men and Women. The

Slovak National Council and its Committee for Human Rights, National Minorities and Women established the Commission for Equal Opportunities and Women's position in Society. The main task of this commission is to analyse legislative bills from a gender equality perspective. Non-governmental organisations are the most important promoters of equality in the Slovak Republic.¹⁸

In 2006, a partnership between the **Danish** Institute for Human Rights and the Danish Nurses' Organization was established with the purpose of shedding light on the complexities of diversity and equal treatment in the health care system. For that purpose, the consortium designed a pamphlet providing the readers with an introduction to Danish equality legislation and diversity management.

In several national equality bodies, partnerships focus solely on employment inequalities including gender issues.

In **Sweden**, the Ombudsman against Ethnic Discrimination has developed a handbook on proactive measures in professional life in cooperation with both trade unions and employers' organisations.

In **Lithuania**, the Office of the Equal Opportunities Ombudsperson has signed an agreement with the State Labour Inspectorate to exchange relevant information and to better advise complainants in their fields of competence.

The **Austrian** Ombud for Equal Treatment has established a partnership with the Public Employment Service Austria (AMS) in order to assign counsellors to women who have been sexually harassed. The first step was to establish counsellors in the various regions of Austria to provide special help with integration into the employment market and information on available legal recourse.

3. Training

A significant number of national equality bodies provide training on discrimination and promotion of equality.¹⁹ The target audience is very diverse : federal, regional, community, and local administration, the private sector, the police, judges, teachers, civil servants, prison officers, students, hospitals, residential care facilities for the elderly, social workers, trade unions and associations. In general, two types of training may be distinguished based on the objective and target audience. Firstly, training aimed at a specifically defined audience such as the justice administration and designed with the dual objective of providing preparation for handling discrimination cases and raising awareness in the professional environment. Secondly, training targeted at a range of different social actors with the principal objective, besides awareness-raising, of providing information about individual rights.

For over ten years, the **Belgian** Centre for Equal Opportunities and Opposition to Racism has had a training department which offers training sessions for professionals that come into contact with minority groups. The training programmes deal with a variety of areas such as intercultural communication, conflict management, incivilities,

¹⁸ The most recognized are: Citizen and Democracy, focusing on educational activities (www.obcanademokracia.sk); The Centre for Civil and Human Rights situated in eastern Slovakia dealing with racial discrimination (www.poradna-prava.sk); The People against Racism (www.rasizmus.sk); Aspekt and Esfem, both organisations focusing on gender equality and women rights; Slovak Disability Council, which is the national umbrella disability organisation (www.nrozp.sk); and others. There are several databases which contain the list of all NGOs working in the anti-discrimination field e.g. www.changenet.sk or www.ideaxchange.sk and www.diskriminacia.sk, which is the main web-site and provides the most information regarding non-discrimination in the Slovak Republic.

¹⁹ Ombud for Equal Treatment (Austria), Centre for Equal Opportunities and Opposition to Racism (Belgium), Institute for Equality between Men and Women (Belgium), Office of the Commissioner for Administration (Cyprus), Danish Institute for Human Rights, Ombudsman for minorities (Finland), Greek Ombudsman, Equality Authority (Ireland), National Office against Racial Discrimination (Italy), Ombudsman Office (Latvia), Office of Equal Opportunities Ombudsperson (Lithuania), Equal Treatment Commission (the Netherlands), , Equality Commission for Northern Ireland, Office for Equal Opportunities (Slovenia) National Council for Combating Discrimination (Romania), National centre for Human Rights (Slovakia), Council for the Implementation of the principle of Equal Treatment (Slovenia), Ombudsman against Ethnic Discrimination (Sweden)

tools to combat discrimination, homophobia and diversity management. The Centre's training sessions and interventions are intended as tools to support a larger, overall project within an organisation or company. They take one to five days and are provided by request. In May 2007, the Belgian legislator reformed the three federal laws on racism, discrimination and gender. Consequently, the Centre started working on an exercise to disseminate and explain these laws, which resulted in a series of training sessions entitled *Road Show*. These sessions were addressed to a very broad audience of professionals working in various fields. Additionally, Belgian civil servants may participate in a number of training programmes specially designed for their sector. During 3-day sessions participants learn about different aspects of identity and culture as well as the influence of stereotypes and prejudice on daily behaviour. Another Belgian body, the Institute for Equality between Men and Women, is currently building a network of organisations providing gender equality training and has launched a database to build up a list of all gender experts and gender trainers classified by theme and field of expertise.

The **Cypriot** Ombudsman does not have a separate training department but will provide training when requested by a stakeholder and particularly on the subject of dealing with sexual harassment cases or the rights of asylum seekers. The office also organizes training seminars on specialized subjects targeted at specific audiences, for instance a seminar organized at the police academy on the role of the police in combating racism and xenophobia.

The **Dutch** Equal Treatment Commission organizes training for lawyers, judges, employers, employees of anti-discrimination organisations and has recently produced a teaching package about equal treatment for secondary schools.

The **Greek** Ombudsman's training programmes on discrimination are mainly designed for civil servants and students of the National School of Public Administration.

The **German** Federal Anti-Discrimination Agency (FADA) has organized training seminars for various audiences, for example Women's Affairs Commissioners and Staff Councils in ministries, and has recently started seminars for anti-discrimination organisations in cooperation with the German Institute for Human Rights.

The **Swedish** Ombudsman against ethnic discrimination offers training for employers, businessmen, civil servants, and other actors at risk of committing discriminatory acts as well as people likely to be victims of discrimination (such as ethnic minorities). The Ombudsman's office is also carrying out a mutual education and self-empowerment process focused on groups that are more specific targets of racism and discrimination, e.g. the Roma community, people with an African background, Muslims and persons with a Middle Eastern background.

The **British** Equality and Human Rights Commission sets up training programmes itself or through partners. It focuses on training trade unions and organisations to enable them to advise people about their rights. The Commission also carries out a capacity development programme to help organizations improve the services they provide. This programme focuses particularly on the least covered equality issues (age, religion or belief, sexual orientation) as well as on human rights.

In **Italy** the National Office against Racial Discrimination (UNAR) responded to information concerning widespread racial and ethnic discrimination in the workplace preventing the social integration of victims by signing a Protocol of Agreement with the trade unions and employers organisations at national level which included anti-discrimination training programs. These programs aim to promote cultural diversity as a resource for businesses. A pilot project was launched with training courses for trade union representatives.

UNAR also launched training courses for legal professionals in cooperation with the National Council of the Bar and the Superior Judiciary Council. The course covers both the theory and practical applications of the substantive and procedural aspects of legislation to combat racial discrimination.

The **Danish** Institute for Human Rights also provides training to the police training academy. The training consists of an education programme in human rights and international law including non-discrimination, hate crimes and legislation pertaining to refugees. The purpose is among other things for the police to identify their own role with regard to discrimination. During a period of one year (August 2007-August 2008) the training programme is expected to have provided 60 lessons of four hours each. The Institute also offers specialised courses for professional target groups focusing on international law, international humanitarian law, human rights, differential treatment and discrimination, prisons and human rights.

In **Romania** the National Council for Combating Discrimination organizes training for magistrates (prosecutors and judges), police officers, army employees, public officers, university and high school students (summer schools), NGO representatives and gendarmes.

In **Slovenia** the Office for Equal Opportunities, the Advocate of the Principle of Equality and the Council for the Implementation of the principle of Equal Treatment organize workshops and training on equal treatment for judges.

The **Slovak** Centre in cooperation with the Association of Judges prepared and conducted seminars for judges. Other relevant stakeholders received anti-discrimination training: employees and officers of the labour inspectorates, local governments, higher territory administrative governments, state administration, and the offices of labour, social affairs and family.

In **Lithuania**, the experts of the Office of Equal Opportunities Ombudsperson, usually in cooperation with partner organisations, provide training to a range of audiences (state or local officials, employers, labour exchange offices, students, etc.). Training is mostly provided through national or international projects, often in cycles of seminars offered to the same group of people. The Office has also produced a number of training materials and is open to initiatives from other organisations.

In **Latvia** the Ombudsman's Office provides training for social workers, judges, state officials and other members of society.

In **Bulgaria**, the Commission for Protection against Discrimination currently provides training to representatives of state and local authorities, the NGO sector, police officers and the media.

Many countries that do not have sufficient human or financial resources prefer to invest in the training of trainers or to produce training handbooks and other learning resources²⁰ in order to provide stakeholders with proper tools to disseminate knowledge and information on discrimination and positive action.

In **Norway**, the Ombud developed a "training of trainers" program in connection with the awareness raising campaign on Directives 2000/43/EC and 2000/78/EC and their transposition into Norwegian law. The initial target group for the program was defined as people who, through their position and/or because of their area of expertise, would be able to disseminate their knowledge of the 2000/43/EC and 2000/78/EC directives and be in a position to train others. Representatives from Norwegian corporations, personnel managers in municipal and other public agencies, representatives of employees' organizations, as well as leaders of organizations representing ethnic

²⁰ Human Rights and Youth Rights Commission (Quebec)

minorities and/or working against discrimination on the grounds of sexual orientation and age were invited to take part. The training of trainers program was evaluated as successful and will continue to be expanded in the future and offered to organizations representing additional grounds.

The **Irish** Equality Authority has developed guidance for equality and diversity training strategies at enterprise level. A funding scheme is available to small and medium sized enterprises to develop equality and diversity training strategies on the basis of this guidance. The Equality Authority has also provided training within the NGO sector to support the development of advocacy services to people who experience discrimination and who seek to use the equality legislation.

The **Belgian** Institute for Equality between Men and Women produced a handbook on equality of opportunity in relation to public procurement.

The **French** HALDE has already entered into agreements with public and private partners to design educational tools and training modules on discrimination.²¹ The HALDE has also elaborated an e-learning tool that is available on its internet site in two versions (one for the general public and one for companies).

EU funding has been an important resource in this respect, by providing support to national equality bodies willing to lead trainings or directly enabling NGOs and other targeted stakeholders to use their own structures to address and disseminate information on discrimination issues.

4. Resources for key actors or how to put equality into practice: tools, guidance and good practice

Promotion of equality in the labour market is often better developed than in other areas as most of the registered complaints, regardless of the ground of discrimination, refer to this area. Thus, most national equality bodies produce information and resources to help employers, businesses including SMEs, organisations and service providers engage in promoting equality and tackling discrimination. These resources include guidelines for employers on how to comply with anti-discrimination laws, how to promote good practice with regard to equality issues in the workplace, and a series of easy to use equality checklists.

Tools and good practices

While guidelines and codes of practices are produced to help stakeholders develop their own equal opportunities policies and implementation plans some national equality bodies also collect and disseminate good practices.

In **Denmark**, a new initiative called Diversity Lab was established in the autumn of 2007. The project has 16 member companies and will run until the end of 2008. Through Diversity Lab, companies can develop and exchange experiences and test different concepts, tools and methods of diversity management. The member companies meet four times during the project. Diversity Lab is operated by the Danish Institute for Human Rights in cooperation with The Danish Chamber of Commerce, Local Government Denmark and The State Employer's Authority. It is financed by the Ministry of Refugees, Immigration and Integration Affairs.

The **Belgian** federal police adopted a professional code of ethics in May 2006. The Centre for Equal Opportunities and Opposition to Racism was one of the institutions involved in developing this code. Launched during a period of police reform, this instrument contributed to greater uniformity of police services. About 4,800 police employees received the code, in which certain values (integrity, equity), principles

²¹ In particular with the FNAIM (Real Estate National Federation). See article 3 of the Convention of 12 December 2005.

(respect for human dignity, non-discrimination) and rules of conduct are set out to guide police work.

In 1993, the **Belgian** Centre for Equal Opportunities and Opposition to Racism, in collaboration with the King Baudouin Foundation, asked Ghent University to conduct a scientific study of how the media report on foreigners and people of foreign origin and on related themes. The research results were discussed by a working group established in collaboration with the General Association of Professional Journalists in Belgium (AVBB-AGJPB). In June 1994, this work resulted in two publications: a list of contacts on the topic and recommendations on how the media should report on foreigners and people of foreign origin. Although these recommendations had no formal status they were taken into account by journalists and by the Council on Deontology. In 2005, the Centre and the General Association of Professional Journalists assembled again. A follow-up study was conducted. The recommendations were evaluated and are expected to be reformulated soon.

In **France**, the HALDE is not competent to carry out the adoption of rules of conduct. However, it has implemented a framework for following up on equality promotion actions devised by companies. The Department for the Promotion of Equality, in cooperation with representatives from major companies, started developing relevant indicators to assess equality promotion actions. This cooperation led to a framework for action and accountability.

For companies, the framework provides an inventory of the various mechanisms that can be mobilised (adoption of a formal agreement, establishment of action plans and follow-up bodies, conducting a diagnosis, carrying out awareness raising and training activities, implementation of objective human resources process etc.) and the methods for assessing them. In this way, the framework may also serve as a scorecard to complement the social report on anti-discrimination and promotion of equality.

For the HALDE, the framework can be used as a tool to list and annually update companies' actions. The HALDE uses it to complete and update its list of best practices and to facilitate the successful transfer of experience to other companies. Such cooperation between stakeholders that are involved in developing instruments to follow up on their actions may be applied to other areas such as small and medium-sized enterprises, local authorities, housing etc.

The Equality Authority in **Ireland** has developed a range of guidance materials to support the implementation of equality impact assessments on new plans, policies or programmes. A number of pilot programmes have been implemented in the public sector to test and promote both the materials and the practice of equality impact assessment.

Codes of conduct

Equality bodies in **Great Britain, Northern Ireland, Ireland** and **Romania** are competent to establish codes of conduct.²² These codes clarify binding rules to be followed by companies, institutions or individuals likely to discriminate. They may also provide a basis for assessing the impact and efficiency of measures employed by these equality bodies in order to exercise their competence in this area.

The **Irish** Equality Authority has the power to prepare codes of practice which, if approved by the Minister, are admissible as evidence and if relevant may be taken into account in proceedings. The Equality Authority has issued a Code of Practice on Sexual Harassment and Harassment at Work that has been relied on in cases brought to the Equality Tribunal.

²² Ombud for Equal Treatment (Austria), Equality Commission (Northern Ireland), National Council for Combating Discrimination (Romania).

The **British** Commission will be entitled to issue codes of practice in connection with matters related to equal pay, sex discrimination, ethnic origin, disability, sexual orientation, religion and beliefs.

5. Positive duties

A positive duty is a requirement that public or private organisations promote equality and diversity in all aspects of their work, in a manner that involves employees, employers and service-users alike. This is a proactive approach, which creates binding obligations for employers and actors designated by law, such as the State or public bodies, concerning their management or public policy actions, with an emphasis on achieving results backed by enforcement mechanisms and the assessment of outcomes by equality bodies in charge of monitoring these mechanisms. Positive duties are about developing positive attitudes and behaviour in order to prevent discrimination from occurring. This can be achieved by monitoring workforce composition, consulting with relevant groups, carrying out impact assessments to determine the impact of particular policies and practices upon disadvantaged groups, and by taking remedial action where necessary.

Positive duties are currently the most efficient means of promoting of equality since they are compulsory for certain institutions and companies and they are able to address indirect and systemic discrimination.

Though anti-discrimination law has succeeded in removing many social and economic barriers and prejudices, it often proves less efficient when it comes to overcoming more complex and deeply entrenched patterns of exclusion and inequality.²³

Some of the Member States impose positive duties upon public authorities and private companies. The national equality body may then be competent to assist with the implementation process and the monitoring of a given institution's compliance with these duties. The **British** Commission for Equality and Human Rights, the Equality Commission for **Northern Ireland** and the **Swedish** Ombudsman have binding powers to ensure that positive duties imposed upon the public and private sectors are complied with. The lengthy experience of the **Northern Ireland** and **British** Commissions with positive duties is noteworthy.

The following measures apply to the new Equality and Human Rights Commission in the **United Kingdom** with regard to the positive duties that bind public authorities to eliminate discrimination and promote equality:

- Public authorities shall have due regard to the need to eliminate unlawful gender discrimination as well as sexual harassment and promote equality of opportunity between women and men.²⁴
- Article 71 of the Race Relations Act 1976 requires public institutions to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups.
- Under articles 49A or 49D of the Disability Discrimination Act 1995 as amended in 2005, every public authority shall have due regard to the need to eliminate discrimination of disabled people, harassment of disabled persons, to promote equality of opportunity, to take steps in favour of disabled persons, to promote positive attitudes towards disabled persons; and to encourage their participation in public life. The positive duty binding upon public authorities to promote equality of opportunity for disabled people entered into force on 4 December 2006.

Where the Equality and Human Rights Commission is satisfied that a public authority has breached its duties, the Commission may serve a notice to it, and require the

²³ Based on the Equinet Publication *Strategic Enforcement: Powers and Competences of Equality Bodies*, 2006, p.44 which provides a more detailed overview of the extent to which positive duties to promote equality have been introduced in a number of European countries

²⁴ Articles 76A, 76B and 76C of the Sex Discrimination Act 1975

authority to furnish the Commission with details of the steps that it has taken, or is taking, to comply with the duty. If the Commission considers that the authority has not satisfactorily complied with the notice, the Commission may apply to a tribunal (High Court or County Court in England and Wales, Court of Session or Sheriff in Scotland).

The Equality Commission for **Northern Ireland** has a duty to and is responsible for keeping under review the effectiveness of and compliance with binding obligations imposed on public authorities pursuant to article 75 of the Northern Ireland Act 1998.²⁵ The Equality Commission can thus approve an equality scheme submitted by a designated public authority and may investigate complaints for failure to comply with an equality scheme. It may also give advice to public authorities.

The **Irish** Equality Authority has the power to conduct equality reviews and action plans.²⁶ The Authority may invite enterprises and corporations to carry out an equality review and/or to prepare and implement an equality action plan. It may, if it thinks it appropriate, itself carry out an equality review and prepare an equality action plan in relation to businesses with over fifty employees. An equality review is an audit of the level of equality of opportunity and an examination of the practices, procedures and other relevant factors of the businesses in order to determine whether those practices, procedures or other factors are conducive to the promotion of equality of opportunity. **An equality action plan** is a programme of actions to be undertaken in order to further the promotion of equality of opportunity in that employment. If in the case of an enforcement review it appears that a business fails to implement an equality action plan, the Authority may serve a notice requiring a person to adopt such steps as specified in the notice.²⁷ If the person has failed to comply with the notice, the Authority may apply for an order from the court.²⁸ A number of equality reviews have been commenced on a voluntary basis and interest has been expressed by employers in relation to this mechanism. While this power falls short of a positive duty on employers and service providers, it does have significant potential as a non-adversarial fault finding mechanism and as a basis for planned and systematic approaches to equality within organisations.

In **Sweden**, employers, both in the public and the private sector, have a duty under the law to set measurable goals and undertake concrete measures in order to promote equal rights and duties regardless of ethnicity and/or religion as well as equality between men and women in working life. Only the Ombudsman against Ethnic Discrimination (DO) and the Equal Opportunities Ombudsman (gender) have the right to enforce these positive duties. Anyone who feels that an employer is not fulfilling their duty concerning ethnic equality can submit a complaint to the DO who in turn will respond with proposals concerning which measures should be undertaken. The DO can also take the initiative to raise such issues with employers. If the employer is not willing to accept the DO's proposals, the DO can turn to the Board against Discrimination which can require the employer to undertake the measures under penalty of a civil fine. Schools and higher education institutions can also be required to implement an equal treatment plan and an anti-harassment policy under the supervision of the Ombudsman against Ethnic Discrimination.

In some countries, the legal provision concerning positive action refers only to gender equality.

For example in **Norway** public and private employers have a duty under the law to include in their annual report a description of the state of gender equality regarding employees and management-level positions. The Equality and Anti-Discrimination Ombud is the body which enforces compliance with these positive duty requirements.

²⁵ For more information, please refer to Schedule 9- Equality: enforcement of duties of the Northern Ireland Act 1998.

²⁶ Section 69 of the Employment Equality Act, 1998 as amended by § (n) of the Schedule to the Equal Status Act 2000.

²⁷ Section 70 of the Employment Equality Act, 1998

²⁸ Section 72 of the Employment Equality Act, 1998

Relevant information to be included in the annual report must cover the gender distribution of employees in various departments or levels of the organization; statistics concerning wage differences by gender; statistics detailing the gender of part-time and full-time employees; statistics concerning the frequency and duration of leaves of absence by gender; as well as statistics concerning allocation of resources to male and female employees. Employers are also required to indicate and describe which measures have been undertaken in the past year, and which measures will be undertaken in the future, in order to achieve greater gender equality. Challenges to achieving greater gender equality vary from sector to sector and as a result the Ombud recommends that employers develop strategies that are relevant for their particular workplace. Public agencies have an additional duty to spell out measures undertaken to ensure gender equality with respect to their role as service-provider to the general public. In cases where an employer is not in compliance with the law regarding positive duty requirements the Ombud can require the employer to remedy the situation. In addition the Ombud provides advice and guidance to employers in order to help them develop good practices in light of their particular needs. Although it has been suggested that new legislation should include positive duties with regard to other grounds such as ethnicity and disability, gender is currently the only ground to which positive duties apply.

In **Lithuania**, the government, administrative institutions, education and scientific institutions, companies, sellers and producers of goods and service providers are obliged to prevent any sort of discrimination from occurring. However, positive duties to promote equal treatment and equality of opportunity are not mandatory and depend on the sole initiative of the Ombudsperson.²⁹

6. Data collection, research and study

Reliable, useful and appropriate information on target groups protected by anti-discrimination law is vital to national equality bodies. Beyond their use for the effective application of the law, these data are necessary for the implementation of efficient anti-discrimination and promotion of equality policies for all grounds of discrimination. They contribute to a better understanding of behaviour and attitudes in society.

The collection of data measuring the scope and impact of discrimination is an essential means to improve knowledge and understanding of the discriminatory phenomenon and to evaluate the effectiveness of policies and practices. Data provides points of reference in order to identify the location of inequalities and the fields where progress has been made or where efforts have to be concentrated.

Data collection on complaints

Most national equality bodies collect statistical data related to the complaints they receive. These data, often published in their annual reports, are broken down into grounds and fields of discrimination.

Fewer equality bodies are able to produce information on victims' identity and/or on the processing and results of the complaints (conciliation, mediation, proportion of referral to a tribunal, judiciary sanctions).

In **Belgium**, the Centre for Equal Opportunities and Opposition to Racism uses a system to register each report of discrimination it receives. Based on the data thus collected, an annual report is written containing several details such as the relative occurrence of discrimination per ground, per sector, etc.

In **France** the HALDE produces and communicates in its annual report a number of statistical data related to complaints. The HALDE provides information on the field of

²⁹ See articles 3 to 5(1) of the Law of the Republic of Lithuania on equal opportunities of women and men

activity (employment, access to public services, housing, and education) and the ground of discrimination (gender, age, origin, sexual orientation, health etc.). The figures also indicate the type of resolution decided on by the Council. However, there is no information on the type of discrimination (direct, indirect, harassment) or the profile of the complainants (age, gender, professional and social category etc.).

In **Ireland**, the Equality Authority collects both quantitative and qualitative data on an annual basis regarding legal cases brought under the Employment Equality Acts 1998 and 2004, the Equal Status Acts 2000 to 2004 and the Intoxicating Liquor Act 2003.³⁰ Regarding case files, the following information is collected concerning all cases: the type of complaint by equality ground; the various sectors which are the subject of a complaint across the nine equality grounds; the geographical breakdown of complaints; a gender breakdown of all cases; the reasons for closed cases; and the current situation of open cases. Qualitative information is also collected on specific and landmark cases, and cases which illustrate cross-cutting themes across the three Acts.

Quantitative data are also gathered on all enquires to the Equality Authority's public information service covering: the number of enquires under each Act across the nine equality grounds; the area to which the queries relate; and the regional breakdown. Because many of these queries are made by phone or e-mail, it is not always possible to get information regarding the equality ground or geographical region to which a query relates.

In **Norway**, the Ombud produces an annual report, *SaLDO*, which provides statistical information and analysis based on cases which the Ombud has addressed during the year. A second report, *Praksis*, also published annually, provides an overview of cases that represent important legal precedents or are otherwise of particular interest.

In **Denmark**, the Danish Institute for Human Rights' Complaints Committee on Ethnic Equal Treatment also collects both qualitative and quantitative data. The purpose is partly to document the number of complaints received and handled by the Committee, and partly to identify areas where issues of equal treatment on the grounds of race and ethnicity in particular arise. The data can for instance lead to raising ex-officio cases. The Complaints Committee also produces annual reports.

The **Austrian** Ombud for Equal Treatment collects data on various aspects, including the number of complaints in total; the ground(s) concerned; multiple discrimination; the relevant legal clauses (e.g. sexual harassment, victimisation, equal pay); and the amount of damages paid.

This data is used by the Austrian body in its bi-annual report to the National Assembly of the Austrian Parliament to underpin the need for certain legal or promotional measures to be taken by the Austrian Government. It also influences promotional activities such as the Ombud's Newsletter, where select information is disseminated to a broader audience. The data is also used in workshops with employers and/or employees, in lectures at university courses and in interactions with media representatives, to provide insight into which equal rights and equal opportunities areas and issues are pressing, as well as what amendments are needed.

The **German** Federal Anti-Discrimination Agency (FADA) collects data on complaints in the field of employment, access to goods and services, housing, education, social protection and social advantages on the grounds of age, disability, ethnic origin or "race", sex, sexual orientation, religion or belief. The figures also provide information on all the types of discrimination (direct and indirect discrimination, sexual harassment and instructions to discrimination). The collection of data is destined among other things for the report which FADA has to submit every four years to the German Bundestag (Art. 27 (4))

³⁰ In 2003 the jurisdiction regarding cases taken under the Equal Status Act against licensed premises was transferred from the Equality Tribunal to the District Court, under the Intoxicating Liquor Act 2003.

Not only are these data of use for communication with the wider public, they also enable the identification of key issues to be further developed in promotion of equality strategies: they help identify the fields in which training, awareness raising and preventive action are necessary; they facilitate the targeting of strategic groups that need to be informed about their rights; and they can also, in conjunction with wider quantitative studies, provide further information on social realities.

Statistics, burden of proof and promotion of equality

Collection of statistical data on groups protected by anti-discrimination law is considered a necessity by most of the national equality bodies primarily because without reliable empirical data it is difficult, if not impossible to prove discrimination in the terms required by legal procedures.

In most countries, tools such as testing and statistics are admissible in courts as legal means to shift the burden of proof (onto the employer to rebut the presumption of discrimination by producing opposing statistics or evidence).

Identifying situations of indirect discrimination without a customized statistical set of instruments has proven to be considerably more difficult. Such identification is only possible by comparing the situation of the examined group with that of the reference group.

Measuring the scope and impact of discrimination serves to improve awareness and understanding of the effectiveness of policies for promoting equality. It is also important for identifying and analysing the domains in which inequality of treatment persists.

Moreover, developing policies for the promotion of equality is difficult without a set of indicators enabling the definition of assessable goals for a professional sector, a geographical area or an enterprise.

In order to improve the collection and analysis of data (mostly statistical) regarding the extent of inequalities, certain equality bodies have established specific research and study departments.

Studies and research

Equality bodies may carry out research themselves³¹ or commission research from external sources.³² Sometimes they can do both.³³

The equality bodies' study and research units have a range of often transversal objectives. When established with a legal perspective they may also support administrative procedures within the scope of individual complaint handling. Certain equality bodies also have the competence to draw on confidential formal inquiries triggered by individual complaints. These have proven a useful tool to examine a theme or a sector and to uncover structural discrimination. These inquiries generate reports.

Statistical discrimination testing or diagnosing is used to pinpoint unlawful practices at a specific spot. Other studies are conducted in order to improve knowledge of unequal treatment experienced by a given group protected by anti-discrimination laws in a specific domain (i.e. discrimination based on sexual orientation at the workplace).

³¹ Ombud for Equal Treatment (Austria), Human Rights and Youth Rights Commission (Quebec), Danish Institute for Human Rights, Equal Employment Opportunity Commission (United States), Ombudsman for Minorities (Finland), Equal Treatment Commission (the Netherlands), Commissioner for Civil Rights Protection (Poland), National Council for Combating Discrimination (Romania), Office of the Commissioner for Administration (Cyprus)

³² Independent High Commission against Discrimination and for Equality (France), National Office against Racial Discrimination (Italy), Equality Authority (Ireland), Office of Equal Opportunities Ombudsperson (Lithuania)

³³ Institute for Equality between Men and Women (Belgium), Equality Commission for Northern Ireland, Equality Authority (Ireland), Commission for Equality and Human Rights (England, Scotland and Wales)

In **Belgium** The Institute for Equality between Men and Women can initiate, coordinate and conduct research on gender, equality of women and men and feminist issues. These research projects are conducted in-house or carried out by external researchers. The Institute is in charge of disseminating their outcomes. The Institute's policy as regards research aims at concentrating available resources on a limited number of broad-impact annual projects.

The Institute for Equality between Men and Women intends to remedy the lack of knowledge on feminist issues by collecting and disseminating all available information on gender research and training in Belgium and making it available and transparent to the largest possible number of people.

In **France**, the HALDE does not carry out in-house research but may sponsor research. It has committed itself to developing partnerships with various institutions in order to provide for possible collaborations (co-financing of research projects or studies).³⁴ The HALDE participates in steering committees of studies conducted under its jurisdiction and monitors and registers existing studies. It coordinates studies which are necessary for improving understanding of discriminatory practices, their manifestations and effects. In addition to this, it gathers data collected in public opinion polls, for example on the issue of the perception of discrimination.

In order to evaluate the neutrality of the recruitment procedures in companies, the HALDE has carried out a series of discrimination testing exercises. Based on the results, the body will introduce a policy of 'naming and shaming'. The HALDE regularly applies for permission to obtain statistical data from the national research authorities in order to improve the quality and credibility of the data used to prove the unequal treatment of protected groups. For certain types of discrimination data is either inaccessible or inexistent.

In **Denmark**, in accordance with its mandate, the Danish Institute for Human Rights (DIHR) is obliged to carry out research and studies on human rights and equal treatment. In order to comply with its mandate the institute has a research department that consists of senior and assistant researchers and PhD candidates. The Research Department primarily carries out scientific research. The DIHR also consists of four thematic departments. These departments carry out studies and surveys which are based for the most part on compilations of information from existing sources rather than their own data collection and research.

The DIHR uses a range of qualitative and quantitative data collection methods depending on the research, study or survey. Data collection methods include questionnaires and single and/or focus interviews.

When collecting data for studies and surveys on equal treatment and discrimination, the DIHR strives to include as many groups as possible, by aggregating the data for gender, age and ethnicity, disability, religion or belief and sexual orientation, in order to ensure a horizontal approach and in recognition of discrimination based on multiple grounds. Collection of this type of data is however not always possible due to either limitations set in legislation or lack of direct access to the groups. The data is also limited by the fact that individual sources must remain anonymous. Where relevant the data is collected through the so called *participatory action method* which invites

³⁴ For instance, the HALDE is co-founding the future national survey on the impact of origins: life histories of immigrants, immigrants' descendents and native French people. The aim of this project is to conduct a large sample survey (around 20,000 people) to analyse the impact of origin on access to the various components of social integration – housing, language and education, employment, leisure activities, public services and welfare benefits, contraception, nationality, social networks, etc. – and their mobilization. It will examine the links between origin and the other distinguishing categories in French society (gender, class, colour, culture, age, etc.). It seeks to identify inequalities in access to resources by attempting to distinguish between the consequences of individual or collective behaviour and those of contextual or structural constraints. The survey protocol will record not only the histories of individuals in their specific context, but also the aspirations, attitudes and representations of the groups studied. The survey, scheduled to take place in 2008, will be coordinated jointly by INSEE and INED.

stakeholders to participate and get involved in identifying issues of concern and solutions whilst raising awareness.

The results of the research, studies and surveys feed into the general endeavours of the DIHR to protect and promote human rights and equal treatment in Denmark and internationally. The data collected is disseminated through publications, seminars and courses, training of professionals, alternative reports to UN treaty bodies, reporting to different European Council bodies as well as through the institute's role as an advisory body to public and private stakeholders nationally and on an international level. DIHR also produces an annual report as well as an annual status report on the situation of human rights in Denmark for the Danish Parliament.

In **Sweden**, the Ombudsman against Ethnic Discrimination is carrying out a project on housing discrimination that will combine research, implementation of the anti-discrimination laws and mobilisation of discriminated groups. The idea here is that social change in the direction of greater equality is to a large extent a product of the interplay of these different factors.

In **Germany**, one of the Federal Anti-Discrimination Agency's tasks is to carry out (academic) research on discrimination on the grounds of age, disability, ethnic origin or "race", gender, sexual orientation, religion or belief. The Agency may carry out the research itself or sponsor external studies. The Agency's Advisory Board may put forward its own suggestions with regard to this task. In 2007 the Agency initiated and sponsored a study on how discrimination and anti-discrimination policy is perceived in different social environments. The study was initiated in order to design adequate measures to prevent discrimination.

In **Ireland**, the Equality Authority has developed two major programmes of research containing a range of individual research projects. The first programme involves three research projects to establish the business case for investing in equality and diversity strategies. The second programme involves a broad range of research projects to make use of existing data sources on equality and diversity to deepen knowledge and understanding of discrimination and inequality. Topics include; gender inequality and time use; experience of discrimination; the gender pay gap; recruitment; migrants in the labour market; and attitudinal surveys on equality.

The **Dutch** Equal Treatment Commission has launched several research projects on the following issues: (the possibility of) racial discrimination in the process of searching for internships; the effect of victimisation in work situations; discrimination of lesbians and gay-men in work situations; and equal pay for women.

In **Cyprus**, the Office of the Ombudsman does not have a study and research mission. However, Law 42(I)/2004 (Article 44) gives it the competence to conduct studies and surveys on issues of discrimination. Based on this, five public opinion surveys on different grounds of discrimination were conducted since the foundation of the Office in the years 2006 and 2007. The Surveys studied the following issues: attitudes and perceptions of the public towards homosexuality; attitudes towards people of Pontian ethnic origin (which is the largest ethnic minority-community in Cyprus); attitudes of Christian-orthodox Cypriots towards people of a different religion who reside in Cyprus; attitudes towards people with disabilities; and the phenomenon of sexual harassment in the workplace.

In **Lithuania**, the Office of the Equal Opportunities Ombudsperson does not have a research and analysis unit and therefore does not itself conduct surveys or research. However, through several projects the Office has been able to commission studies on work-life balance and paternity leave issues, the situation of disabled, homosexual and Roma communities as well as manifestations of religious intolerance and discrimination on grounds of age in the public sector.

Within the **Slovak** National Centre for Human Rights the Department of Monitoring and Research carried out several studies and surveys focused on observance of the principle of equal treatment in the labour market and of human rights in the Slovak republic. The following issues were examined: discrimination in the labour market in 2006; the rights of children from the Roma community, in particular observance of Child Rights, discrimination and special problems in relation to children from Roma settlements; and the perception of human rights and the principle of equal treatment. The latter study will continue in 2008 as a follow-up and for comparison with the results from 2006.

In **Romania**, the National Council for Combating Discrimination annually conducts a 'barometer study' on public perceptions and attitudes towards discrimination. In addition to all 14 criteria of discrimination provided for by law, the study also examines the issue of the perception of the Council. Furthermore, the outcomes of each annual study are compared with each other in order to identify the evolution of attitudes in society.

In **Latvia** the Ombudsman's Office carries out research within available financial means and human resources. In 2006 the Human Rights Office (the predecessor of the Ombudsman's Office) carried out a study on awareness of the issue of discrimination. In 2007, the Ombudsman's Office conducted scientific research on the application of EU non-discrimination law by national courts and prepared the resulting information for judges.

In **Bulgaria**, as part of its case work, the Commission for Protection against Discrimination is currently conducting research on civil unions, partnerships and marriages between homosexuals in the EU in order to deliver a competent opinion to the national Parliament in relation to a proposed new Family Code. A few months ago the CPD delivered an opinion to Parliament on age discrimination in the law regulating academic titles.

In addition, the CPD subcontracts research institutes and agencies to carry out studies on discriminatory practices. In 2006 the CPD and a subcontracted agency conducted broad research on the attitude of the public towards various grounds and fields of discrimination including sex, sexual orientation, and access to social services. In 2007 the CPD requested research on multiple discrimination. In 2008-2009 the CPD is planning for another study on multiple discrimination in political decision-making processes and the representation of protected groups in the administration.

In order to regularly follow-up on the progress of equality promotion policies, some national equality bodies have developed monitoring systems and are calling for the compilation of precise statistical indicators. At this point in time, the function of research and study intersects with that of evaluation.

In **Belgium**, a suitable system of observation and follow-up (monitoring) of the employment situation of foreigners and Belgians of foreign descent is seen as a necessity that requires specifically tailored statistics. The Centre for Equal Opportunities and Opposition to Racism was asked to produce a proposal for such a monitoring system. The result, developed by a working-group coordinated by the Centre, builds on the principle of socio-economic monitoring, based on nationality and national origin, and uses anonymous and aggregated data, taken from existing administrative databases. A methodology based on administrative data makes a separate register redundant and ensures the objectivity of the relevant data pertaining for instance to "nationality" and "country of birth". Thus, the Centre proposes the development of a macro socio-economic monitoring system which allows for regular analysis (e.g. every five years) of the labour market by sector, professional status and other characteristics of employment in relation to nationality or origin.

In **Norway**, the Ombud was responsible for coordinating the EU funded *Common Measures for Discrimination* project designed to develop recommendations for how to measure ethnic discrimination in a way that is representative, comparable and allows for the description of trends. Institutions from Norway, Denmark, the Netherlands, the Czech Republic and Portugal participated in this project.

The premise of the *Common Measures* project is that the measurement of ethnic discrimination can be improved by combining different sources of data that provide information on the five components of discrimination: outcome, difference, disadvantage, causality, and lack of justification. Through two published reports, *Common Measures* presents a general overview of how multiple data sources can be combined to deliver a more nuanced and accurate picture of discrimination. Different data sources describe different phenomena and each has intrinsic strengths and weaknesses. These sources include registered data, surveys, and complaints and case descriptions. The project examined the existing situation regarding data collection and the potential for triangulation and multivariate approaches in Norway, Denmark and the Netherlands with regard to the fields of education, labour market participation and income.

In **Great Britain**, the Commission for Equality and Human Rights has a dedicated research team that conducts studies on a wide range of anti-discrimination and equalities issues. The British body also avails itself of a very coherent device to combat discrimination and promote equality by systematically using statistical monitoring. The Equalities Review, a similar exercise to that conducted by the Irish body as described above, contains a relatively exhaustive table of the possible inequalities experienced by the groups that are protected under anti-discrimination laws.

7. Local action

Approximately half of the national equality bodies examined in this study have provisions for a local presence.

The **British** Commission for Equality and Human Rights will establish a regional presence that will work in cooperation with the 90 Race Equality Councils (REC) already in place. The Commission also maintains strong regional contacts through collaboration with a network of nine offices across the English regions. It cooperates closely with regional and local government offices as well as private, voluntary and community sector groups. The aim of this cooperation is to link local concerns and contexts into the overall national strategy and work programme. The Commission's work is also devolved to Scotland and Wales, with National Directors heading up those countries: the Equality and Human Rights Commission Scotland is working to eliminate discrimination, reduce inequality, protect and promote human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.

Qualified staff members of the **Belgian** Centre for Equal Opportunities and Opposition to Racism hold office hours in partner institutions. This action is the result of collaboration with municipalities and towns, provinces, Regional Integration Centres and local associations. In two instances (City of Ghent and Regional Brussels Office for Employment-ORBEM), partners themselves delegate staff members to these tasks.

The **Belgian** Institute for Equality between Men and Women coordinates a network of provincial coordinators whose task it is to implement the policy of equal treatment between women and men at the local level. The other **Belgian** body, the Centre for Equal Opportunities and Opposition to Racism, has published a guide for its local representatives on organizing regional actions for the promotion of equality and diversity.

The **Italian** National Office against Racial Discrimination has established five offices outside Rome and works with a network of focal points located in different areas of Italy to ensure more effective assistance for victims of discrimination. The network facilitates the exchange of information between UNAR and the focal points. UNAR provides technical support and advice whilst the focal points establish direct contact with the victims and handle any complaints. The focal points also function as statistical detectors via a special information system set up by UNAR which allows it to monitor developments and plan future activities accordingly.

In **France**, the HALDE set up a regional action mission. Local action is currently being tested in four regions. The representative in charge of territorial action coordinates the action of territorial delegations and represents the HALDE in regions where no delegation is in place.

The HALDE has also set up a network of local volunteer agents in different regions of France in response to the need for a presence across the country. Equipped with this network of local agents (expected to reach up to 80 in 2009), with qualifications in law and trained in the issues central to anti-discrimination, the HALDE will be in a better position to respond to the demand for information and to the expectations of those who feel they are victims of discrimination.

It should be noted that although the **Estonian** Chancellor of Justice has not set up any local offices, arrangements can be made for representatives of the Chancellor to meet with individuals in different towns.

The **Greek** and **Lithuanian** Offices of the Ombudsman have no local delegations. However, the Ombudspersons, in order to bring the Offices closer to peripheral regions, regularly carry out visits to provincial cities in order to encourage direct communication between members of the public and representatives of the Ombudsmen.

The **Irish** Equality Authority has worked with local libraries and Citizen Information Centres to develop a virtual presence at local level. These local centres disseminate information materials from the Equality Authority. Their members, staff and volunteers also receive training from the Equality Authority on the content of these materials and on equality legislation.

The **Romanian** National Council for Combating Discrimination recently opened a regional office and is planning to open a second. When organizing actions at regional or local level the Council usually collaborates with local public authorities and/or local NGOs or other organizations.

In **Cyprus**, the Ombudsman's office is located in the capital city but some actions are organized in other regions.

The **Slovak** National Centre for Human Rights has established seven regional offices situated in small towns. The main goal was to facilitate access to the public and to local partners. Two projects were implemented, with the support of EU programmes: the building of regional offices of the Centre; and the setting up of advisory services in order to build and strengthen the regional administrative capacities of the Centre. All local offices cooperate closely with various local partners such as local NGOs, Labour Offices, local education establishments and relevant institutions working with equality and human rights issues.

Apart from the central office located in Vienna, the **Austrian** Ombud for Equal Treatment also operates through a network of four local offices established to handle gender based discrimination cases and prevent such discrimination from occurring as well as promote gender equality. In order to be accessible to all Austrian residents

irrespective of their geographical location the Ombud schedules appointments in different locations according to demand.

In **Latvia**, due to the size of the country (2.3 million inhabitants), the Ombudsman Office is currently only established in the capital city. However it provides courses, training sessions and information campaigns at local level in order to raise awareness concerning rights and equal treatment issues.

Conclusions and recommendations

Most national equality bodies, created to meet the requirements of EU directives regarding anti-discrimination and the promotion of equal treatment, have set up concrete strategies in order to promote equality and prevent discrimination. Promotion of equality policies tend to develop in order to prevent discrimination from occurring and to support action necessary to achieve full equality in practice.

Activities related to the promotion of equality are diverse. Nevertheless, as reported in the study it is possible to trace a common line. Most equality bodies consult with civil society and a majority provide training. A number of bodies conduct or sponsor research and studies. Others have signed formal partnership agreements. All equality bodies carry out awareness-raising and communication actions, which vary in range and importance. Some equality bodies have set up different types of activities in connection with the promotion of equality, such as codes of conduct, which serve as guidelines for actors in the field of equality, or the collection of best practices.

Additionally, it is worth noting that the majority of equality bodies have set up one or more missions or units specifically in charge of the promotion of equality.

Only half of the equality bodies examined in this survey have established a formal local presence. The rest strive to be present at local level by organising regional training programmes and campaigns.

It is noteworthy that only a minority of the European national equality bodies have truly binding powers as regards the promotion of equality.

Only a few Member States impose a duty on private or public sector actors and institutions to enhance equality in carrying out their functions. In these Member States, equality bodies are sometimes entrusted with the task of monitoring the enforcement of such obligations. It shall be noted that a small proportion of these bodies have set up comprehensive assessment mechanisms which could be encouraged as a tool to measure the actual effectiveness of the implementation of positive duties.

As far as recommendations are concerned, the 'Promotion of Equality' Working Group members have identified several areas for improvement in the way national equality bodies work. The following deserve special attention. There is an urgent need to:

- ▶ enhance cooperation between equality bodies and increase the exchange of information, data and most of all the results of analysis and research conducted by each of the bodies in order to develop better and more effective tools and methods for promoting equality;
- ▶ share and exchange tried and tested measures for raising awareness and preventing discrimination on a routine basis. 'New' Member States in particular could draw on the experiences of 'older' Member States especially concerning more sensitive and complex issues such as discrimination on the grounds of sexual orientation and ethnic origin with regard to the Roma population.

Statistical data collection was also identified as an area for improvement. Most of the national equality bodies recommend supporting data collection and processing linked to inequalities in order to improve the quality of their legal action on the one hand, and to enable evaluation of the real impact of promotion of equality strategies on a national and Community level on the other. Data collection methods in certain national equality bodies, as well as the use of data for promoting equality may be taken as examples. Here, the Working Group on the Promotion of Equality has made it a future priority to conduct further analysis in order to identify common strategies and best practices. The outcome could be an instrument, such as a handbook, that could be used by all equality bodies, also as a complement to their own system of data collection. This would raise standards and increase professionalism in the bodies' day to day work. It could also serve to point out where there is a need for legal backup from the European Commission.

Another issue that is often raised is the need to develop methods for analysing discrimination that are ready-to-use and specially tailored to the specific competences of four important groups involved in combating discrimination and promoting equal treatment: policy makers, specialised equality bodies, statistical offices and research institutions. The exchange of the requisite information and tools could take place through the Equinet Database, which should also include and make available to all Equinet members the equality bodies' annual reports in English.

As a next step it is one of the aims of the Working Group on Promotion of Equality to examine some of the equality bodies' equality promotion practices more closely and use them for further research. We consider it necessary in future to have access to the outcomes of relevant evaluations – evaluations of the tools used and of their effectiveness – in order to identify the most successful initiatives. The objective would be to prepare guidelines and handbooks containing best-practise tools and measures that can be used by the bodies in order to promote equality in certain fields. This would advance the practical work of the national equality bodies and boost efforts to promote equality in all Member States.

Annex I: Summary information on the national equality bodies included in the study

<i>Name of entityⁱ</i>	<i>Dateⁱⁱ</i>	<i>Status</i>	<i>Types of discrimination</i>	<i>Promotion of Equality</i>	<i>Budgetⁱⁱⁱ</i>	<i>Employees</i>
AUSTRIA						
Ombud for Equal Treatment consisting of three independent parts:				Not foreseen in the legislation on the Austrian Ombud for Equal Treatment, but it follows from the Austrian Ombud for Equal Treatment's interpretation of the legislation. Promotion is also part of the competence of the Ombud according to the rules of procedure of the Federal Chancellery, where the Ombud is situated.	iv –	21
Ombud for Equal Treatment between Women and Men in Employment and Occupation	1991	Government agency	Sex			
Ombud for Equal Treatment irrespective of Ethnic Belonging, Religion or Belief, Age or Sexual Orientation in Employment and Occupation	2005	Government agency	Age, sexual orientation, ethnic origin, religion and beliefs	No special department or mission responsible for promotion only.		
Ombud for Equal Treatment irrespective of Ethnic Belonging in other areas	2005	Government agency	Ethnic origin			
BELGIUM						
Centre for Equal Opportunities and Opposition to Racism	1993	"Sui generis" independent public body	Race, colour, ancestry, national or ethnic origin, sexual orientation, civil status, birth, fortune, age, religious or philosophical convictions, current or future state of health, disability or physical characteristics.	Promotion of equality is laid down in the legislation creating the Centre. No special department or mission responsible for promotion only. In 2007, the Centre spent approximately 750.000€ of its budget on promotion of equality.	€4,928,000	Equivalent of 65 full-time employees + 20 people working on related activities and projects
Institute for Equality between Men and Women	2003	Semi-state public body	Sex	–	€4,367,000	27
CYPRUS						
Office of the Commissioner for Administration	1991	Independent public servant	Race, ethnic origin, religion or beliefs, disability, age, sexual orientation and sex.	–	–	33

<i>Name of entity</i>	<i>Dateⁱⁱ</i>	<i>Status</i>	<i>Types of discrimination</i>	<i>Promotion of Equality</i>	<i>Budgetⁱⁱⁱ</i>	<i>Employees</i>
DENMARK						
Danish Institute for Human Rights (DIHR)	2003	National human-rights institute compliant with the Paris principles of 1993. Operates under the authority of the Ministry for Foreign Affairs, but has the status of an independent, self-managed institution	Race and ethnic origin. However, the DIHR can and does work on other forms of discrimination within the framework of research and study, the preparation of findings and the drawing up of reports.	Promotion of equality is foreseen in the legislation creating the DIHR. There are no restrictions on which grounds are covered by the DIHR's promotion activities.	€10,000,000	100 people, of whom 15 work on discrimination
ESTONIA						
Office of the Chancellor of Justice	1992	Independent senior civil servant appointed by parliament on the recommendation of the President for a period of seven years	Gender, race, ethnic origin, colour, language, origin, religion or religious convictions, political and other opinions, property or social status, age, disability, sexual orientation and other parameters specified by law.	–	–	43
FINLAND						
Office of Ombudsman for Minorities	2001	Independent governmental agency	Ethnic origin	–	€ 100,000 + civil servants salaries	8
FRANCE						
Independent High Commission against Discrimination and for Equality (HALDE)	2004	Independent public institution	Sex, Age, Disability, Race and ethnic origin, Political opinion, Religion and belief, Sexual orientation, Civil status, Trade union membership, Actual or assumed group membership, Physical appearance, Health condition, Pregnancy.	Pursuant to the Law of 13 December 2004 creating the HALDE the institution has a duty to promote equality. A separate Department for Promotion of Equality conducts communication and information activities, awareness raising campaigns and studies and research projects.	€11,600,000	80

<i>Name of entity</i>	<i>Dateⁱⁱ</i>	<i>Status</i>	<i>Types of discrimination</i>	<i>Promotion of Equality</i>	<i>Budgetⁱⁱⁱ</i>	<i>Employees</i>
GERMANY						
Federal Anti-Discrimination Agency	2006	Established within the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. Independent in the execution of its duties.	Race or ethnic origin, gender, religion or belief, disability, age, sexual orientation	The Agency engages in independent publicity work, takes measures to prevent discrimination and runs academic studies. All departments are involved in promotion of equality.	–	–
GREECE						
Office of the Ombudsman	1998	Independent Authority	Racial and ethnic origin, age, religious and other beliefs, sexual orientation, disability and gender	The Ombudsman conducts training programmes and awareness raising campaigns.	–	189 (including administrative support staff)
IRELAND						
Equality authority	1999	Independent statutory body	Gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of Traveller community	–	€5,451,000	53
ITALY						
National Office against Racial Discrimination (UNAR)	2004	Government agency	Race and ethnic origin. Religion.	–	€2,035,357	30
LATVIA						
Office of the Ombudsman	2007	Independent state institution	Race, ethnic origin, colour, language, sex, disability, sexual orientation, religion, belief, political or other opinion, national or social origin, property, birth or other status.	–	€185,207.74	48

<i>Name of entity</i>	<i>Dateⁱⁱ</i>	<i>Status</i>	<i>Types of discrimination</i>	<i>Promotion of Equality</i>	<i>Budgetⁱⁱⁱ</i>	<i>Employees</i>
LITHUANIA						
Office of the Equal Opportunities Ombudsman	1999	Independent public institution	Sex, age, sexual orientation, disability, race and ethnic origin, religion, beliefs, and other grounds foreseen in the laws of the Republic of Lithuania and international instruments.	–	€227,000	9
NETHERLANDS						
Equal Treatment Commission (CGB)	1994	Independent public body	All forms of discrimination.	–	€3,500,000	45
NORTHERN IRELAND						
Equality Commission for Northern Ireland	1999	Non-Departmental Public Body	Sex, race, disability, religious belief and political opinion, sexual orientation, age	–	£ 6,330,000	143
NORWAY						
Equality and Anti-Discrimination Ombud	1998	Independent governmental agency	Religion or belief, race, colour or ethnic origin, national origin and language	–	NOK 6,600,000	13
ROMANIA						
National Council for Combating Discrimination	2002	Autonomous Agency	Race, nationality, ethnicity, language, religion, social origin, beliefs, sex or sexual orientation, age, disability, chronic non-contagious diseases, persons infected with HIV or belonging to a disfavoured category	The Council prepares and enforces public policies concerning non-discrimination. The Council has a Directorate for Programs and International Relations in charge of promotion of equality issues.	€2,168,333	91 positions approved, 58 employees
SLOVAKIA						
National Centre for Human Rights	1994	Independent legal entity	All grounds covered by the EU anti-discrimination directives	Promotion of equality is included in the tasks of each department which are regulated by the Statute of the Centre.	€470,000	24

<i>Name of entity</i>	<i>Dateⁱⁱ</i>	<i>Status</i>	<i>Types of discrimination</i>	<i>Promotion of Equality</i>	<i>Budgetⁱⁱⁱ</i>	<i>Employees</i>
SLOVENIA						
Office for Equal Opportunities	1992	Government agency	Nationality, race, ethnic origin, sex, health, disability, language, religious and other convictions, age, sexual orientation, education, financial and social circumstances and other distinguishing characteristics	–	€341,600	10
SPAIN						
Council for the Promotion of Equal treatment and Non-Discrimination on the grounds of Racial or Ethnic Origin	2003		Racial or Ethnic origin	–	–	6
SWEDEN						
Ombudsman against Ethnic Discrimination	1986	Government authority with an independent status	Ethnic origin, religion or belief	–	SEK 41,932,000	50
UNITED KINGDOM						
Equality and Human Rights Commission	2007	Non Governmental public body	Age, disability, gender, reassignment of gender, race, religion or belief and sexual orientation	–	£70,000,000	500

ⁱ Information provided for this table concerns mostly 2005, 2006 or 2007.

The table does not include information on the Estonian Gender Equality Commissioner.

ⁱⁱ Date entity was created

ⁱⁱⁱ Estimated annual budget

^{iv} "–" No information available

Annex II: National equality bodies' websites

Ombud for Equal Treatment, Austria	▶ www.bmgf.gv.at
Centre for Equal Opportunities and Opposition to Racism, Belgium	▶ www.diversite.be
Institute for Equality between Men and Women, Belgium	▶ www.igvm.fgov.be/
Commission for Protection against Discrimination, Bulgaria	▶ www.kzd-nondiscrimination.com
Office of the Commissioner for Administration, Cyprus	▶ www.ombudsman.gov.cy
Danish Institute for Human Rights, Denmark	▶ www.humanrights.dk
Office of the Chancellor of Justice, Estonia	▶ www.oiguskantsler.ee
Gender Equality Commissioner, Estonia	▶ www.svv.ee
Office of the Ombudsman for Minorities, Finland	▶ www.ofm.fi
Independent High Commission against Discrimination and for Equality, France	▶ www.halde.fr/
Federal Anti-Discrimination Agency, Germany	▶ www.antidiskriminierungsstelle.de
Equality and Human Rights Commission, Great Britain	▶ www.equalityhumanrights.com
Greek Ombudsman, Greece	▶ www.synigoros.gr
Ombudsman for National and Ethnic Minorities, Hungary	▶ www.kisebbsegiombudsman.hu/
Equality Authority, Ireland	▶ www.equality.ie
National Office against Racial Discrimination, Italy	▶ www.pariopportunita.gov.it
National Human Rights Office, Latvia	▶ www.vcb.lv
Office of Equal Opportunities Ombudsperson, Lithuania	▶ www.lygybe.lt
National Commission for the Promotion of Equality, Malta	▶ www.equality.gov.mt
Equal Treatment Commission, Netherlands	▶ www.cgb.nl
Equality Commission, Northern Ireland	▶ www.equalityni.org
Equality and Anti-discrimination Ombud, Norway	▶ www.ldo.no
Commission for Citizenship and Gender Equality, Portugal	▶ www.cig.gov.pt
National Council for Combating Discrimination, Romania	▶ www.cncd.org.ro
National Centre for Human Rights, Slovakia	▶ www.snslp.sk
Council for the Promotion of Equal Treatment and Non-Discrimination on the Grounds of Racial or Ethnic Origin, Spain	▶ www.oberaxe.es
Office for Equal Opportunities, Slovenia	▶ www.uem.gov.si
Ombudsman against Ethnic Discrimination, Sweden ³⁵	▶ www.do.se

³⁵ In Sweden, it should be recalled that three other Ombudsmen can handle discrimination complaints, besides the Ombudsman against Ethnic Discrimination: the Equal Opportunities Ombudsman dealing with gender discrimination, the Disability Ombudsman and the Ombudsman against Discrimination on grounds of sexual orientation.

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