

Securing a Lasting Legacy
at European Level
Making the Most of the
European Year of Equal
Opportunities for All

An Equinet Opinion
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Introduction

European Year

The European Year of Equal Opportunities for All (2007) has been brought forward by the European Council and the European Parliament as part of a concerted effort to promote equality and non-discrimination in the European Union. The European Year provides an important opportunity, at European Union and at Member State level, to:

- ▶ celebrate progress made in putting in place a legislative and institutional infrastructure to promote equality and combat discrimination and take steps to further enhance this infrastructure;
- ▶ acknowledge the significant inequalities that persist across the grounds of gender, sexual orientation, race, religion, disability and age and promote, support and implement positive action to eliminate these inequalities;
- ▶ establish an ambition for equality that is focussed on achieving full equality in practice in access to resources, decision making, status and standing, and respect and take steps to ensure this ambition is widely shared and pursued by all sectors in society.

Equinet

Equinet is the European network of specialised equality bodies. The specialised equality bodies are independent organisations established by statute in Member States to support and achieve the effective implementation of equality legislation. Equinet is funded by the European Commission and membership contributions and works to:

- ▶ contribute to the effective implementation by specialised equality bodies of their mandate through exchanging information, good practice and expertise on enforcement strategies;
- ▶ build an expertise on the dynamic interpretation of equal treatment legislation across the European Union;
- ▶ contribute to an effective approach by specialised equality bodies to supporting institutional change and good practice in promoting equality and preventing discrimination;
- ▶ enhancing knowledge and skills of specialised equality bodies' staff through training events;
- ▶ develop peer support among specialised equality bodies in particular through effective information exchange;
- ▶ support a dialogue between the institutions of the European Unions and the specialised equality bodies with a view to contributing to an effective equality focus in EU policies and programmes.

Specialised Equality Bodies

Specialised equality bodies have played different roles across the European Union in seeking to ensure the impact and success of the European Year. Specialised equality bodies have:

- ▶ served as National Implementation Bodies for the European Year in several EU Member States;
- ▶ participated as members of steering committees established by National Implementation Bodies;
- ▶ implemented actions to mark the European Year and to advance its objectives;
- ▶ organised to promote and secure a lasting legacy from the European Year.

A successful European Year and a long term legacy from this European Year of Equal Opportunities for All will create a context for an even more effective implementation of their mandates by the specialised equality bodies.

A Lasting Legacy

The success of the European Year of Equal Opportunities for All will need to be assessed in terms of the quality of the actions taken during the Year at European Union and Member State levels and the contribution of these actions to the objectives established for the European Year. The success of the Year must also, crucially, be measured in terms of a longer term legacy of change established on foot of the European Year.

This longer term legacy should encompass:

- ▶ systems of dialogue to establish an enhanced commitment from all sectors in society to achieving full equality in practice across the six grounds covered by the European Equal Treatment Directives;
- ▶ the development and implementation of new mechanisms to promote equality, accommodate diversity and combat discrimination and the enhancement of existing mechanisms in this field;
- ▶ the provision of new investment and new initiatives to stimulate and support full equality in practice for groups experiencing inequality across the six grounds.

A legacy from the European Year that encompasses these three dimensions is required at European Union and Member State levels. In this Opinion, Equinet seeks to focus on the European Union level given that this Opinion forms part of its dialogue with the European Commission.

A Legacy to Drive a New European Union Context

The European Year of Equal Opportunities for All forms part of the European Commission framework strategy on “Non Discrimination and Equal Opportunities for All”. This framework strategy provides an important means of developing, driving and securing a legacy from the European Year. It would be important to review this framework strategy on foot of its implementation to date and on foot of the experience and achievements of the European Year. A new framework strategy with an enhanced ambition and range of commitments should then be published by the European Commission.

The European Commission is also currently implementing “A Roadmap for Equality between Women and Men 2006-2010”. The full and effective implementation of this strategy should also form part of the legacy of the European Year. However, it is now important to develop a greater coherence to the pursuit of equality across the six grounds of gender, disability, age, religion, race and sexual orientation.

The legacy from the European Year should be based on an integrated approach to equality across these six grounds. An integrated approach would:

- ▶ pursue coherent and joined-up strategies for equality that cover the six grounds;
- ▶ focus on the intersections between the grounds where people belong to more than one of the grounds;
- ▶ allow action in relation to individual grounds as appropriate and necessary;
- ▶ ensure the same legal standards for each of the six discrimination grounds and eliminate the present differences in standards for different grounds as well as ensuring a stronger visibility for the less developed grounds of age, religion and sexual orientation;
- ▶ allow an exploration of the need to include new grounds for the promotion of equality and the combat against discrimination.

Dialogue

The Annual High Level Equality Summit provides a key instrument for a legacy of dialogue on the ambition for equality across the European Union. The summit should have a particular focus on driving a lasting legacy from the European Year. It should prioritise a dialogue on priority elements within the framework strategy on equality and how they can most effectively be implemented at EU and Member State levels. The Summit should stimulate and drive practical actions and initiatives to be taken as a result of its deliberations. The Summit should build and support a leadership for equality at EU and Member State level.

It is important that the specialised equality bodies are included in the systems of dialogue at EU level. Equinet and the recent decision by the European Commission to fund Equinet can be identified as one valuable legacy from the European Year. Equinet provides a mechanism through which to include the specialised equality bodies in systems of dialogue at European Union level. It is important that this inclusion is further developed as part of the legacy from the European Year.

Mechanisms

European Union Equal Treatment Directives are a key mechanism in promoting equality, accommodating diversity and combating discrimination. A key element in the legacy of the European Year should be a further development in this important body of legislation. This further development should include:

- ▶ the introduction of a Directive on equal treatment in access to and supply of goods and services on the grounds of age, disability, religion and sexual orientation;
- ▶ a levelling up of provisions on all six grounds covered by the current Directives so that each ground enjoys the highest level of protection against discrimination and of provision for equality;
- ▶ the further development of positive duties on the public sector to have due regard to equality in carrying out its functions and on the private sector to be planned and systematic in its approach to equality. This could build on and further develop provisions already included in the Gender Equal Treatment Directive covering employment and vocational training.

Equality mainstreaming – encompassing the grounds of gender, disability, age, religion, race and sexual orientation – is another important mechanism in promoting equality, accommodating diversity, and combating discrimination. Equality mainstreaming involves assessing the potential impact of new policies and new programmes, at design stage, on equality for groups experiencing inequality across the grounds of gender, age, disability, religion, race and sexual orientation. A further key element in the legacy from the European Year should be the development and implementation of a practice of equality mainstreaming within all areas of European Union policy making.

Investment

The European Commission has valuably promoted debate on positive action in the context of the European Year of Equal Opportunities for All. The development of a shared commitment to positive action across the Member States is crucial if full equality in practice is to be achieved for groups experiencing inequality.

Investment in positive action that targets groups experiencing inequality should be a further element in the legacy from the European Year. This positive action should achieve changes

- ▶ in the economic and social situation of groups experiencing inequality;
- ▶ in the nature and quality of the relationships experienced by these groups with their wider society;
- ▶ in the systems and practices of key institutions interacting with groups experiencing inequality.

A specific and nominated percentage of all European Union Structural Funds should be reserved to support positive action measures. This could be developed on the model already tested in the European Social Fund. In 1999, Article 4 of Regulation EC No. 1784/1999 required that “a reasonable amount of the Fund Appropriations made available for the intervention within objective 1 and 3” be made available rapidly and simply to local groups concerned with combating social exclusion. A similar model could now be put in place to support local groups to promote positive action.

A Legacy to Shape Initiatives at Member State Level

The European Union has at its disposal a range of mechanisms through which it can shape and influence policy, programmes and practice at Member State level. It is important that these mechanisms are also a focus for creating a legacy from the European Year of Equal Opportunities for All.

Dialogue

The European Commission's campaign "For Diversity, Against Discrimination" has an important focus on raising awareness of rights under the European Union Equal Treatment Directives. This focus on rights and awareness of rights is emphasised in the objectives for the European Year. The Eurobarometer survey carried out at the start of the European Year highlighted the scale of the challenge posed by low levels of awareness of these rights across the Member States of the European Union.

New strategies to support dialogue about and awareness of rights under the Equal Treatment Directives should form part of the legacy from the European Year. The specialised equality bodies have a core function to provide information to the public on their rights under equality legislation. Trade unions and non governmental organisations play valuable roles in providing information on rights and advocacy supports for those seeking to exercise these rights. The focus should now be to support specialised equality bodies, trade unions and non governmental organisations to innovate in this area, to enhance their current work in this area and to broaden the range of organisations involved in this work.

Supports could also be developed to secure greater co-operation between these organisations and other bodies with a mandate to provide information on different rights and entitlements to groups experiencing inequality so that coherent channels of communication with such groups could be deployed.

Mechanisms

The European Commission plays a key role in shaping policy and practice at Member State level through:

- ▶ the various Structural Funds and the operational programmes required from Member States;
- ▶ the Open Method of Coordination in the fields of pensions and social inclusion and the national action plans required from Member States;
- ▶ the guidelines on macro-economic and micro-economic policies and on employment policies and the national reform programmes required from Member States.

An important legacy from the European Year would be a revision of the regulations governing the Structural Funds, and the guidelines for the Open Method of Coordination and for national reform programmes so that these regulations and guidelines would require Member States to:

- ▶ develop and implement a process of equality mainstreaming in the preparation of Operational Programmes to receive Structural

Funds, their national action plans on pensions and social inclusion and their national reform programmes;

- ▶ invest in positive action to enhance the situation of groups experiencing inequality through operational programmes and through micro-economic, macro-economic, employment, pension and social inclusion policies.

Investment

The European Year has involved the development of a valuable infrastructure at Member State level of National Implementing Bodies and Steering Committees and of valuable initiatives for equality through action plans for the European Year and individual actions carried out. This infrastructure and these plans were developed with significant but low levels of investment. It would be important that this approach should continue at Member State level to drive forward a lasting legacy from the European Year.

This requires ongoing investment to sustain the infrastructure and to support the plans. The provision of such investment should be another legacy from the European Year. This could be achieved through the restricted call for proposals that is made under the Progress Community Initiative. The terms of reference for these restricted calls should be revised to include a focus on supporting an infrastructure and an action plan to drive forward and secure a lasting legacy from the European Year.

Conclusion

The specialised equality bodies themselves should be a focus within any legacy defined for the European Year. The specialised equality bodies have emerged as important catalysts for change and as key institutions in the effective implementation of equality legislation. They must be a key part of the infrastructure for a future more equal European Union.

In 2006, the European Commission published a report from the European Network of Independent Legal Experts in the Non Discrimination Field on specialised equality bodies established under Directive 2000/43/EC. This report had a particular focus on the independence and effectiveness of the specialised equality bodies. The Directive requires that specialised equality bodies be able to engage in independent assistance to victims, independent surveys and independent research.

It would be important that the European Commission continue to give practical expression to its concern for the effectiveness and independence of the specialised equality bodies as part of the legacy from the European Year. This should include, as per the conclusion of the above-mentioned published report, ongoing research on the issues of effectiveness and independence, further clarification of the concepts of effectiveness and independence, and the development of legal standards in relation to effectiveness and independence.

Equinet

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