



## **EQUINET BUSINESS PLAN (FINAL):**

- **Part I: strategic plan 2007 – 2010**
- **Part II: work plan 2009**

**Brussels, December 2008**

## **BUSINESS PLAN EQUINET**

### **Table of contents**

<b>Introduction.....</b>	<b>3</b>
<b>Part I Strategic plan.....</b>	<b>4</b>
<b>1. Vision.....</b>	<b>4</b>
<b>2. Mission.....</b>	<b>4</b>
<b>3. Strategy.....</b>	<b>6</b>
3.1 Overview.....	6
3.2 Development of equality concepts.....	6
3.3 Development of enforcement strategies and practices.....	6
3.4 Dialogue between Equinet and European institutions.....	7
3.5 Supporting good practice in promoting equality.....	7
3.6 Development and implementation of training.....	7
3.7 Development and keeping a resource of relevant information.....	8
3.8 Create opportunities to network.....	8
<b>3.9 Major initiatives.....</b>	<b>8</b>
<b>4. Management and operation.....</b>	<b>8</b>
4.1 Overview of management and operational structure.....	8
4.2 The Executive Board.....	9
4.3 Operational structure: the working groups.....	9
4.4 Operational structure: secretariat.....	10
4.5 Resources.....	11
<b>Part II Work plan and resources 2009.....</b>	<b>12</b>
<b>1. Overview.....</b>	<b>12</b>
<b>2. Information exchange.....</b>	<b>13</b>
<b>3. Training and capacity building.....</b>	<b>13</b>
<b>4. Working groups.....</b>	<b>14</b>
4.1. Overview.....	14
4.2. Working Group on Dynamic Interpretation.....	15
4.3. Working Group on Strategic Enforcement.....	15
4.4. Working Group on dialogue with the EU institutions (Policy Formation).....	16
4.5. Working Group on supporting strategies for the Promotion of Equality.....	16
<b>5. Major initiative(s).....</b>	<b>17</b>
6. Secretariat: location and resources.....	18
7. Income.....	19

## **INTRODUCTION**

Please find therein the business plan 2009 of Equinet, the European Network of the specialised equality bodies in the field of equal treatment and non-discrimination.

Equinet was initiated in 2002 by seven specialised equality bodies and one international NGO with a long term perspective of gradually developing a network of all specialised equality bodies in the EU and accession countries. After five years of development Equinet has reached that goal as an established network comprising members in almost every EU and accession states, supported by a Brussels-based secretariat.

Upon reaching its institutional development target, Equinet has entered a new phase in its development. Equinet has been established in 2007 as a non-profit International Association under Belgian law (AISBL) providing its own legal status of Equinet members as association of specialised equality bodies. This business plan is the guiding document to continue and strengthen that new phase in the development of Equinet.

Part I contains the Equinet strategic plan: vision, mission, strategy and management and operational structure. The 2007 Annual General Meeting (AGM) of Equinet has approved this strategic plan.

The strategic plan is intended to last for a four year period (2007 until 2010) and will therefore in principle not be subject to review until 2010, although it may be amended by decisions of the Annual General Meetings.

Part II contains the work plan and budget for the year 2009 and is subject to renewal at every year's AGM.

## **PART I STRATEGIC PLAN**

### **1. Vision**

In an increasingly integrated Europe, it is in the interest of all actors in society, not least the victims of discrimination, that European legislation is applied in a uniform way and that the anti-discrimination laws, policies and practices of the Member States are approximated at the highest possible level.

The protection offered against discrimination is not yet the same for all grounds of discrimination. Special efforts are warranted to ensure that the grounds of sexual orientation, disability, age and religion receive the same level of protection as gender and race.

Specialised equality bodies are in a unique position to promote equality in line with the EC's Framework Strategy to promote equality and the 2007 European Year of Equal Opportunities for All with its four main priority objectives (Rights, Recognition, Representation, Respect)<sup>1</sup> as well as the legacy of that year. They do so through awareness building, enforcement and levelling up of European and national equality laws, as well as development and implementation of policies and practices to promote and ensure equal treatment, take account of diversity and combat discrimination.

Specialised equality bodies are established by law, giving them a legal basis and a specific mandate to assist victims of discrimination and non-equal treatment, to give independent advice and to conduct independent investigation. Specialised equality bodies are embedded in a network of a wide variety of organisations with distinct and complementary responsibilities and strategies to combat various forms of discrimination and to promote equality.

Hence specialised bodies act as centres of expertise to which governmental and non-governmental actors turn for advice and support, making them as statutory and independent bodies indispensable in all stages of development and implementation of anti-discrimination legislation and equality policies.

### **2. Mission**

Equinet is an International not-for-profit Association established under Belgian law (INFPA or AISBL). The association unites specialised equality bodies in all EU and EER countries, as well as accession states and Norway, with a similar mandate and profile, sharing the same interests and striving for the same objectives at the European level, benefiting from the cooperation in the network, but also contributing to the network.

The specialised equality bodies united in Equinet are established on the basis of article 13 of the Racial Equality Directive (2000/43/EC), article 8bis<sup>2</sup> of Directive 76/207/EEC 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, as well as article 12 of the Gender Equality Directive regarding goods and services (2004/113/EC) and article 20 of the recasting Gender Equality Directive (2006/54/EC) with regard to equal opportunities and equal treatment of men and women in matters of employment and occupation. Specialised equality bodies are key to the enforcement process of equal treatment legislation and policies and are determined to effectively use a combination of their powers and functions to strategically push for change and respect for the principles of equality, diversity and non-discrimination on all grounds.

Equinet is established to ensure that specialised equality bodies can benefit from each other's experiences and expertise in their constant efforts to improve the enforcement of equal treatment

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<sup>1</sup> *Non-discrimination and Equal Opportunities for All – A Framework Strategy, COM (2005) final, Brussels 1/6/2005.*

<sup>2</sup> *Inserted by Article 1.7 of the 2002 Gender Equality Directive regarding employment (2002/73/EC)*

laws, policies and practices and that the equality bodies united in Equinet can make their views heard at a European and, where necessary and opportune, national level.

Equinet and its members are independent from, yet transparent for and accountable to a variety of stakeholders in society: legislative bodies, governmental structures, interest groups, the media, NGOs and society at large.

Equinet members feel ownership of and commit themselves to maintaining Equinet.

Equinet has a focus on equality issues in the broadest sense. Equinet has the ambition to become the major source of information on equal treatment good practice in Europe and as such a key reference base for each other and for all European institutions and national governments and institutions.

Equinet also strives to become, with its members as its main source of expertise and information, a key actor on the European scene with regard to the development of and implementation of equal treatment regulation, policies and practice.

Furthermore, Equinet wants to inform on EU regulations, policy and practice with regard to equal treatment, basing its actions and policy opinions on information coming from the expertise and practice of its members in their national context.

Equinet values cooperation and exchange with other stakeholders in the field of equal treatment and non-discrimination, and intends and is prepared to co-operate with these stakeholders, whether these are organisations, institutions or other networks.

Equinet also wants to act as a point of support to and development of specialised equality bodies in the implementation of their core functions as defined in the Directives referred to above:

- providing independent assistance to victims of discrimination in pursuing their complaints about discrimination,
- conducting independent surveys concerning discrimination,
- publishing independent reports and making recommendations on any issue relating to such discrimination.

In brief, Equinet pursues its overarching mission of implementing equality and enhancing the contribution of specialised equality bodies to the promotion of equal treatment and combating discrimination through:

- a. Stimulation and facilitation of developing the equality concepts used in European and national laws and policies.
- b. Stimulation and facilitation of (further) development of effective enforcement strategies and practices by equality bodies.
- c. Expressing views and opinions at a European level on issues related to promoting equality and combating discrimination based on the practical experience of the specialised equality bodies.
- d. Cooperation and exchange with other stakeholders in the field of equal treatment and non-discrimination, whether these are organisations, institutions such as the newly established EU Fundamental Rights Agency, or other networks.
- e. Stimulating and facilitating further development of effective strategies of equality bodies in supporting good practice by institutions in promoting equality, accommodating diversity and combating discrimination.
- f. Stimulation and facilitation of capacity building within equality bodies.
- g. Developing and maintaining a resource of relevant information for equality bodies.
- h. Creating opportunities for persons involved in specialised equality bodies to network.

Sustainability of Equinet is first and foremost a matter of ownership of and commitment to networking at a European level with equality partners. Members in Equinet consider participating in and sustaining the network a part of their national tasks.

### **3. Strategy**

#### **3.1 Overview**

Equinet has established in 2007 its own legal status as association of Equinet members, with an Annual General Meeting (AGM) of memberrepresentatives, an executive board elected by the AGM and a professional secretariat operating in Brussels.

Equinet's main strands of activities are geared to:

- a. Development of equality concepts.
- b. Development of enforcement strategies and practices.
- c. Dialogue between Equinet and European institutions.
- d. Development of strategies for supporting good practice in promoting equality.
- e. Development and implementation of training.
- f. Development and keeping a resource of relevant information.
- g. Create opportunities to network.
- h. Major initiatives

#### **3.2 Development of equality concepts**

By sharing their views on the interpretation of equal treatment law, specialised equality bodies will come to understand those laws and the legal concepts incorporated therein in a similar manner, be it through issuing decisions in cases brought before them, in arguing test cases before the courts, through pro-actively advocating changes in policies or laws or in the exercise of their other powers. The task of specialised equality bodies is to promote the principle of equal treatment on the various grounds for all in society, and therefore, their interest is in securing equality at the highest possible level: equality bodies will seek to level up the legal protection currently provided, and this includes seeking to eradicate differences in the protection of certain discriminated groups compared to others.

The shared interpretation and development of legal concepts that are included in European and national equal treatment legislation will become a common resource of interpretation of equality law concepts and help to improve the performance of the specialised equality bodies. It will also contribute to establish the equality bodies as one of the authoritative sources of interpretation and enforcement of equality law.

The development of equality concepts will not only help to improve the performance of specialised equality bodies. It will also contribute to assessing the effectiveness of equality legislation and to identify legislative change necessary.

#### **3.3 Development of enforcement strategies and practices**

The members in Equinet will learn from the practices in enforcement strategies of their counterparts in other countries. The insight gained from this exchange will assist in identifying further what might be useful and necessary for specialised equality bodies to fulfil their mandates. A common resource of good practice examples will be built up.

This strand of work is about exploring and contributing to effective decision-making around the strategic deployment of the powers accorded to equality bodies as well as contributing to the effective implementation of these various powers.

The exchange of good practices is not confined to members among themselves. Equinet also seeks to actively exchange good practices with bodies outside the EU, in particular in Australia, Canada, New

Zealand and the United States.

### **3.4 Dialogue between Equinet and European institutions**

A dialogue between Equinet and European institutions provides European debates with an input of national experiences. In this way national and European debates are linked and will mutually influence each other for the benefit of enhancing the further development of pro-active anti-discrimination and equality law, policies and practices.

A dialogue with the European institutions will give Equinet the opportunity - based on the practical experience of the specialised equality bodies - to:

- a. submit views on the interpretation and development of legal concepts,
- b. give advise on issues related to the work of specialised equality bodies, as well as the implementation of equal treatment legislation and policies,
- c. submit views on the need for further elaboration of legal concepts, of the enforcement powers of equality bodies, and of equality legislation and policies,
- d. submit views on the effective implementation and further development of the EU framework strategy for equality,
- e. submit opinions on equality and combating discrimination with regard to EU policy making and programme development to assist equality mainstreaming and to assist targeted equality initiatives.

### **3.5 Supporting good practice in promoting equality**

Specialised equality body mandates include promotion of equality. Many equality bodies are involved in development and promotion of equality policies and practices. They consult a variety of national stakeholders and actors, such as social partners and civil society and have set up departments to design and implement programs to promote equality policies and to support good equality practice within organisations.

The specialised equality bodies encourage prevention of discrimination and promotion of equality policies as a pre-emptive strategy to facing the task of continuously processing complaints. The idea is that while sanctions are undoubtedly necessary, other parallel ways need to be found to encourage "substantive equality", and raise awareness on fostering equality.

Equinet will implement a programme of exchange between members of experiences, tools and best practices on prevention and promoting equality in order to develop a resource of strategies and methodologies to contribute to the promotion of equality.

### **3.6 Development and implementation of training**

Equinet develops and implements a programme of training by:

- a. continuously identifying the needs of the members in relation to training and reviewing the needs on a regular basis
- b. providing training that meets the needs identified and is based on learning from each other and from each other's experiences.

Institutional development is first and foremost the prime responsibility of the equality bodies themselves. In this respect, Equinet has a subsidiary role.

### **3.7 Development and keeping a resource of relevant information**

Members in Equinet are both producing and using information relevant to equal treatment legislation and policies. In order to facilitate the exchange of information between members, Equinet will:

- a. maintain a system of electronic information exchange,
- b. maintain a resource of information offered for exchange between the members,
- c. design and manage the procedures and instruments for information exchange related to priorities set by the members.

### **3.8 Create opportunities to network**

Equinet stimulates networking among its members and their staff in person as well as through electronic means by:

- a. holding an Annual General Meeting (AGM) that serves as a meeting point next to its function as highest decision making body of the network,
- b. constituting working groups and facilitating meetings in person of staff with a common professional interest,
- c. maintaining a secretariat that facilitates and supports the network and the implementation of its functions,
- d. developing and implementing a programme of regular training,
- e. facilitating staff exchanges between specialised equality bodies and countries.

### **3.9 Major initiatives**

Equinet will develop significant initiatives at a European level to support its mission and objectives. Each year a specific topic will be selected that relates to major initiatives and/or developments at the EU level.

## **4. Management and operation**

### **4.1 Overview of management and operational structure**

In June 2007 Equinet has been established as independent legal entity under Belgian law as an International not-for profit Association (INFPA or AISBL).

Equinet's management structure consists of an Annual General Meeting (AGM), made up of all network members and a bi-annually elected Executive Board.

The AGM of all member representatives is the highest decision making body, meeting once every year.

The operational structure consists of working groups of staff of the members in Equinet and a secretariat headed by an executive director.

Equinet members will increasingly play an important role in the implementation of activities through various participative structures, such a working or project groups, participation in trainings which have an element of exchange and networking as well, sharing information on the state of play in their countries, answering questions of members on a variety of issues relating to equal treatment, sharing views on issues of policy and strategy and so on.

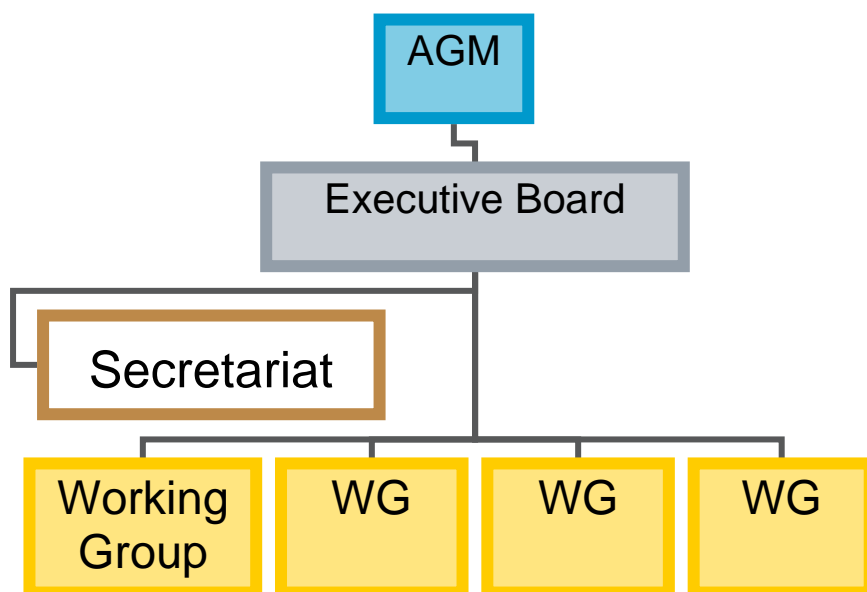
Each working group has a convenor/ moderator who is responsible for the organization of the work of the group. The moderators report to the Executive Board through the executive director.

The moderators can meet if there is a wish to do so. The meeting of moderators can advise executive



board and executive director on issues relating to the work of the working groups.

The executive director reports to the Board. Executive director and secretariat manage and support the work of the working groups within the framework of the decisions of the Board.



#### 4.2 The Executive Board

Between the Annual General Meetings (AGM), the Executive Board will be responsible for the overall management of the network and constitutes the strategic leadership of Equinet. The Board submits proposals for Equinet's strategic and operational orientation to the AGM and is responsible for the proper implementation of the adopted plans and decisions through Equinet's operational structure.

The Executive Board operates on the basis of the business plan and budget agreed by the Equinet members and discusses and takes decisions on the management and operational structure for the period of their mandate, specifying the arrangements as laid down in this document.

Whereas a key role of the Executive Board is to ensure that the decisions made by the AGM are carried out by the executive director/secretariat and the working groups, the Executive Board is therefore responsible for:

- a. the development of the overall business plan and management structure for the period of their mandate,
- b. approving plans/reports of and giving feedback to (the moderators of) the working groups,
- c. providing guidance for the executive director/secretariat on the implementation of the business plan,
- d. representing Equinet in relation to EU Commission and other relevant institutions,
- e. organisation and conducting the AGM,
- f. convening a special AGM in case of emergency,
- g. ensuring Equinet's future,
- h. the budget and financial reporting.

The Executive Board reports at least once a year to the AGM and meets as often as it deems necessary (with a minimum of 3 times a year).

#### 4.3 Operational structure: the working groups

One of Equinet's major assets is the status of its members as independent specialised equality bodies

and the commitment and the expertise from its members. The involvement of the members in working groups commits members to Equinet and its activities and enhances ownership of the network and its outputs.

Working groups operate under the following conditions:

- a. staff persons of the members constitute the membership of the working group;
- b. working groups will exchange views/ documents electronically as well in person;
- c. the members who provide a representative for the core group guarantee the availability of sufficient staff time to participate effectively in the work of the group; the partner who volunteers to provide for a staff member to act as convenor/ moderator will guarantee the availability of that persons to effectively act as moderator of the group; moreover, the members guarantee sufficient staff time to effectively contribute to the exchange of information via Equinet's website/ database; staff time is specified in a number of days for each member as income (own contribution);
- d. the secretariat provides support to facilitate the working group;
- e. the working group has a budget for central working group requirements (e.g. rental of meeting room and publications);
- f. the activities of each working group are based on an annual work plan, specifying its objectives and how it plans to deliver the outputs required for its area of work;
- g. the work plan will serve as a tool not only for planning, but also for monitoring the progress of the working group towards achievement of its objectives and output;
- h. the Executive Board carries out decisions made by the AGM on establishing working groups. It approves (changes in) the mandate and workplan of the working groups and the composition of the working groups.

The Executive Board may decide to set up temporary working or project groups to deal with specific issues of concept, enforcement or dialogue or pursue other priorities decided for Equinet.

The topics and priorities for the various working groups will be further integrated in the system of information exchange, e.g. information exchange needs to support the work related to strategic enforcement, dynamic interpretation, policy dialogue and promotion of equality.

Emphasis will be put on enhancing communication and exchange to ensure output. The secretariat will play a strong supportive role in research and communication to facilitate the working groups.

The working groups will have the possibility to meet. Furthermore, the moderators of working groups and/ or the executive director can initiate a joint meeting of moderators and secretariat to discuss the (progress in the) work of the working groups, to identify and benefit from (potential) synergetic effects of the work of the working groups and to ensure the board is advised on overall progress.

#### **4.4 Operational structure: secretariat**

The secretariat is headed by the executive director. It is geared first and foremost towards servicing the network and the network structures: AGM, executive board, working groups or other participative working structures.

The secretariat has a professional expert profile with a number of permanent professional staff and additionally ad hoc project staff or consultants for specific assignments if and as required.

The professional secretariat provides basic services to the network such as ensuring the information exchange through modern means, ensuring exchange of expertise through trainings and other supporting networking among members and stimulating members to become involved.

Equinet's secretariat's has as important task to stimulate communication within the network and therefore will be communicative and networking itself.

The secretariat needs to be constantly aware of the necessity to keep a balance between the requirements related to producing quality products and the need to keep members involved and committed, ensuring members' ownership of Equinet.

The secretariat is the contact point for the EU institutions to relate to Equinet. The secretariat will ensure that the EU institutions are aware that Equinet is first and foremost a network of specialised equality bodies, not only a Brussels secretariat.

The secretariat reports directly to the Board through the executive director and manages and supports the work of the working groups within the framework of the decisions of the Board.

The secretariat implements the training program, for which no working (sub-) group will be set up (see operational structure). The secretariat will furthermore perform the editing/ translation function for publications (partly), reports and the website.

The secretariat also manages the exchange of information between members and the website/ database of Equinet.

The secretariat will also play an implementing role in the major initiatives strand of activity.

In brief, the functions of the secretariat are to:

- a. ensure the effective communication between the various structures of/ participants in the network (Executive Board, working groups, members, project management, secretariat)
- b. support the effective communication of the Executive Board with external parties (European institutions, other equality or other networks/ institutions, etc.)
- c. monitor / assist in the effective implementation of decisions of the Executive Board and the Annual General Assembly,
- d. ensure the Equinet narrative and financial reporting obligations to third parties, such as the European Commission,
- e. manage the flow of documentation and information within the network, including the website or Content Management System (CMS),
- f. support the working groups in the implementation of their responsibilities and activities (assist in the development of the work plan, assist in the reporting, provide information and documentation, create links between the working groups and other parts of the Equinet structure)
- g. monitor the effective implementation of the activities of the working groups, provide guidance for working groups to report on their activities and remind working groups on the need to report if necessary
- h. conduct supporting research in relation to working group activities
- i. develop and implement a plan of activities with a view to capacity building of members to enhance the effectiveness as specialized equality bodies
- j. perform a helpdesk function for newcomers within the network
- k. ensure effective arrangements for conducting the AGM and meetings of the Executive Board, including writing the preparatory documents and reports, as well as taking care of the necessary logistics
- l. facilitate meetings of working groups if necessary
- m. make the necessary arrangements for/ ensure electronic and printed publications of Equinet, including translations
- n. implement major initiatives.

#### **4.5 Resources**

The income of the Equinet comes from various sources.

First, members will contribute their own staff time: between 20 and 30 days per partner per year for activities in the field of information exchange, for activities of the working groups and for management of the Equinet structure. The value of the staff time is calculated on the basis of real costs of staff members per day.

Secondly, the 2007 constituting General Assembly of Equinet has decided on a membership fee of € 1000 per year.

Staff time and membership fee, as well as travel and accommodation costs to attend AGM events as appropriate, will make up the beneficiary contribution as matching funding to obtain financial support from the European Commission.

## **PART II WORK PLAN AND RESOURCES 2009**

### **1. Overview**

In the past year, Equinet has significantly grown and consolidated itself as a key European Network of Equality Bodies including 28 member organisations (national equality bodies from 25 countries) and 3 observers (until formal membership application or the formal setting up of an official national equality by law in Czech Republic, Portugal and Croatia) in 2008.

At the time of drafting of this 2009 plan, the setting up of the Equinet secretariat is almost complete. An executive director was recruited and started her activities on 1 February 2008. An administration officer was already operational since the end of 2007 and a policy officer was successfully recruited and joined the team on 1 June 2008.

Finally, the recruitment process for a communications officer was launched in September 2008 and is currently underway. The successful completion of this process would result in all staff members being recruited and all positions of the Equinet secretariat being filled by the end of 2008. As from that point, the Equinet secretariat will be fully staffed to ensure the effective implementation of the activities of the association and ongoing support to members.

The general outline of Equinet operations for 2009 is designed as a continuation of previous year(s) with a broadly similar and strengthened approach that includes:

- a. A focus on communication and strengthening of the information exchange
- b. Training for members
- c. Activities related to information exchange, strategic enforcement, interpretation to legal concepts, dialogue with EC institutions and practice in the promotion of equality in the context of working groups
- d. The organisation of one specific major initiative
- e. The strengthening of the structure and network with a view to ensuring sustainability of Equinet's activities

A few highlights - In 2009 Equinet will focus on:

- Identification of the role Equinet can play by implementing a specific initiative on Roma and subsequently identifying the need for a possible initiative focusing on transgender persons / gender identity issues.
- Give due consideration as to how to integrate a focus on discrimination in access to goods and services across Equinet activities as new ways of working and contributing as well as developing expertise of specialised equality bodies in this area.
- Develop and implement a communications plan and strategy for the Equinet Network, addressing both internal and external communication priorities.
- Invigorate the exchange of information and experience between members, tools and best practices on prevention of discrimination and on promoting equality, particularly through the strengthening and development of online tools, a database and use of the website.
- Submit views on the effectiveness of equality legislation and of legislative and/or policy changes necessary.
- Elaborate recommendations to ensure useful follow up of the study commissioned in 2008 to open an internal discussion and exchange on the issue of independence (practices and tools) of equality bodies.
- Organise one AGM in order to facilitate consultation of the members on important developments in 2009 and in the process of drafting annual work plans and budgets for the following year according to EC reporting and funding purposes.
- In addition to the AGM, plan a high-level meeting of Members bringing together the top representative(s) of specialised equality bodies
- Organise two trainings for staff of the national equality bodies (members).
- Organise a specialised legal expert event on the role of the anti-discrimination judiciary coming from the European Court of Justice and national courts (e.g. with high-profiled judges and law practitioners).

## 2. Information exchange

Support to enhanced and structured information exchange between members and subsequently with relevant European stakeholders as appropriate will be a key priority for the Equinet network. Effective and useful information exchange between specialised equality bodies requires the inputs and ongoing contributions of the members. For this purpose, each member will confirm or nominate a designated officer / member of staff acting as contact point and liaison person for information exchange with Equinet.

The Equinet website ([www.equineteurope.org](http://www.equineteurope.org)) will be the main tool for the information exchange among members and beyond.

An initial process to review and select which information items or documents on the website should be members-password protected or not started in 2008. As a result of this process, parts of the website (at start an intranet for members only) opened up to the public in the first quarter of 2008.

The website will be further improved with updated information on members and relevant developments in the field of equality and non-discrimination, and the selection of open and password-protected closed items for members only. A more dynamic approach to the Equinet website layout and structure will be proposed and implemented and major efforts will be initiated to encourage and facilitate the use of the website through effective online information exchange tools.

Whilst the contact persons of the Equinet members play a crucial role in providing the information, the bulk of the processing is to be done by the Equinet secretariat, including:

- structuring the exchange of information
- ensuring the maintenance and development of the website
- stimulating and facilitating focus in the exchange of information.

Further to the recruitment of a communications officer as part of the Equinet Secretariat, website improvements will be taken forward as a priority in 2009 as well as a particular focus on:

- defining and implementing a concrete communications plan and strategy for the Equinet network and website, focussing on enhancing both internal communications priorities between Equinet and its members, and between members / national equality bodies, and effective external communication with relevant European institutions and stakeholders in the field of equality.
- developing more specific priorities for information exchange, especially related to working group activities, and stimulating effective and active exchange.
- initiating and facilitating pro-active moderation of the web forum.
- identifying further information exchange needs of members.
- developing an approach for the selection and design of open and closed items and parts of the Equinet website.
- invigorating the exchange of information and experience between members, of tools and best practices in the prevention of discrimination in order to develop a resource of strategies and methodologies to contribute to the promotion of equality.
- Proposing the setting up of a database of discrimination court cases at ECJ and national levels, building on existing information from members and on information collected and available to other relevant European networks (e.g. EC Network of independent legal experts in non-discrimination)

## 3. Training and capacity building

### *Two Trainings*

In 2009, Equinet will organise two 2-days training events for members of national equality bodies at regular intervals in the course of the year (first training foreseen in the first quarter and the second training in the third or fourth quarter of the year). Each training will be held in a different country and hosted by a national equality body – Equinet member.

Trainings are a core element and essential part of Equinet yearly activities. The trainings give an excellent and unique opportunity to Equinet members and staff to level-up their capacity, skills and knowledge on the recent development of anti-discrimination legislation and policy in Europe and

beyond. Based on the inputs of high-level experts, lecturers and facilitators in the field of anti-discrimination policy, law and research, Equinet trainings provide an essential platform for learning and capacity building, as well for staff members of specialised equality bodies to meet and share experience and expertise on selected topics and areas of work.

Indeed, it is Equinet policy to invite members to host the trainings. This allows national equality bodies / Equinet members to use the trainings to make their colleagues in other EU member states more familiar with their particular context and situation. It also allows for some (modest) profiling of the hosting Equinet member in its own country. These types of events create also an excellent opportunity to share and exchange knowledge and best practises in the field of anti-discrimination from very different perspectives, including legal, cultural, geographical and social. The added value of Equinet trainings is also to facilitate exchange and informal contacts among Equinet members, which further contribute to the aims of cooperation and peer support between specialised equality bodies across the Member States.

As a result of feedback and evaluations from previous Equinet trainings, Equinet will pursue and strengthen a similar approach by proposing to members one anti-discrimination law focused and one one rather policy work oriented training. It is foreseen that participation to each training event will be limited to 40 participants from Equinet members so as to allow for an effective training and interactive learning approach.

In 2009, the first (policy-oriented) training will focus on the topic of access to rights, and is foreseen to take place in Dublin, hosted and co-organised by Equinet and the Irish Equality Authority, in March 2009.

The second training will be targeting legal experts and department staff within specialised equality bodies with a particular focus and comparative approach on the implementation of anti-discrimination law. The main goal of this training is to enhance participants' expertise and knowledge of recent developments relating to legal aspects of tackling discrimination, with a special focus on the role of equality bodies in this process. The legal training provides participants with the possibility to compare and share various experiences, approaches and results to solving similar cases across EU Member States and national equal treatment legislation.

This second Equinet training will be held later in 2009 and hosted by an Equinet member in a different country (possibly hosted by member in Portugal).

#### *Structured bilateral visits and exchange programmes*

- Between members – Equinet to facilitate bilateral visits on request between countries and national equality bodies, with a view to establishing a starting approach aiming at a possible longer-term exchange or twinning objectives.
- Between Equinet Secretariat and members (regular visits of Equinet director and secretariat to member organisations, possible consideration for members to propose a work experience / *traineeship* of a member of their staff within the European activities and secretariat of the network in Brussels).
- Between the EC and members - Equinet to facilitate from times to times a one-day visit and presence of an official (particularly new staff) from EU legal or policy units working on equality and non-discrimination issues within the European Commission to share and learn from real work and practice of a national equality body on the ground.

## **4. Working groups**

### **4.1. Overview**

Equinet working groups are core structures for ongoing exchange and cooperation between members in the European network of national equality bodies. The working groups will be stimulated by content support and back up from the secretariat and by provision of facilities (travel and accommodation) to hold regular meetings.

Each working group will aim to produce at least one publication in 2009. In principle these publications will be for external distribution, unless it is decided that the topic of the publication requires further internal discussion. The added value of these selected thematic publications will not only lie with the final information results presented in the reports but also with the preparation process requiring joint efforts and inputs from working group members of equality bodies creating opportunities for useful discussion and sharing of information.

There are 4 standing working groups, one for each of the areas of work<sup>3</sup>:

- a. Working Group on Dynamic Interpretation, if necessary with subgroups on specific concepts (see part I, 3.2)
- b. Working Group on Strategic Enforcement (see part I, 3.3)
- c. Working Group on dialogue with EU institutions – Policy Formation (see part I, 3.4)
- d. Working Group on supporting strategies for the promotion of equality – Promotion of Equality (see part I, 3.5)

#### **4.2. Working Group on Dynamic Interpretation**

Equinet Working Group Dynamic Interpretation focuses on how to interpret legal concepts and issues in anti-discrimination law with a view to harmonised implementation of EU law in this area in order to secure equality at the highest possible level.

In 2009, the working group will continue to focus on a practical approach to dynamic interpretation by using real-life cases as a basis for a comparative analysis of the application of anti-discrimination law in their different countries.

The analyses of such cases show very specifically the similarities as well as differences among Equinet members in interpreting the directives. It also helps to identify the gaps of implementation of community anti-discrimination legislation into the national legal system. It greatly helps members in their daily work and supports development of views and proposals by Equinet as to how to achieve enhanced harmonisation of the development and implementation of EU law in this area.

The working group will analyse three to six cases in 2009, selected where possible with a focus on discriminatory situations in relation to goods and services. Experience shows that it is generally possible to draw cases from a variety of EU member states and discrimination grounds, which enhances the exchange value and diversity of the cases.

The working group will publish the cases and related analyses by producing an external report and through the Equinet website.

The working group will meet at least once during the year to discuss the approach and outcomes of the cases analyses.

Additionally, in 2009 the Dynamic Interpretation working group will consider the area of strategic litigation as one of the possible tool for achieving equality in the field of the application of existing laws. One of the most important aims of strategic litigation is to ensure that laws are interpreted and enforced properly as well as to identify the gaps within the legal systems. According to EU anti-discrimination directives, independent assistance for victims of discrimination is one of the most important powers of equality bodies. In 2009, members of the working group Dynamic Interpretation WG will seek to identify the possible competences of national equality bodies with regards to strategic litigation and their ability to perform this kind of litigation at national and European levels.

#### **4.3. Working Group on Strategic Enforcement**

The objective of the Equinet Working Group on Strategic Enforcement aims to contribute to the effective implementation of the equality bodies' mandate through exchanging expertise,

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<sup>3</sup> Work plans of the working groups to be attached as annexes

experience and information at a strategic enforcement level.

In 2009 the working group on Strategic Enforcement will continue its investigation of the bodies' powers and mandates under to the scope of the Racial Equality Directive 2000/43/EC, the Employment Equality or Framework Directive (2000/78/EC) and the Gender Equal Treatment Directive (2002/73/EC). EU anti-discrimination directives have set three basic powers of equality bodies (providing independent assistance to victims of discrimination in pursuing their complaints about discrimination, conducting independent surveys concerning discrimination, and publishing independent reports and making recommendations on any issue relating to discrimination).

In 2009 special attention will given to interactions between public interest, individual interest and interest of national equality bodies and further research on the use of (the method of) mediation as an essential part of competences mentioned above.

The working group will meet at least once during the year to progress on a publication report resulting from the activities of the working group and to decide on next possible topics and area of focus of particular interest to national equality bodies.

#### **4.4. Working Group on dialogue with the EU institutions (Policy Formation)**

The Working Group on Policy Formation is at the heart of Equinet's objectives and efforts to engage in a dialogue with EU institutions, to support policy formation at EU level to effectively promote equality, value diversity and tackle discrimination. The working group supports the dialogue of Equinet with the EU institutions through the preparation of Equinet opinions, focusing on current policy development within the EU institutions in the area of equality and non-discrimination. Equinet opinions are also meant to contribute an equality dimension to policy being developed on other issues.

Following the announcement in 2008 by the European Commission of the Renewed Social Agenda, including a significant anti-discrimination package, it is foreseen that two opinions of this Equinet working group in 2009 will be developed in this specific context.

The following European Union initiatives will be particular areas of interest for the working group Policy Formation:

- developing new approaches to gender equality in the context of the current "Roadmap for Equality between Women and Men";
- developing new approaches to equality for people with disabilities in the context of the current European Commission disability strategy;
- further supporting the European Union commitment to equality mainstreaming including a particular focus on social inclusion through new strategies for 'active inclusion'.

The working group will meet at least once during the year to discuss the activities of the working group. It is anticipated that all opinions will be published (in English and French) and available for internal use as well as externally.

#### **4.5. Working Group on supporting strategies for the Promotion of Equality**

Many Equinet members have policies to promote equality and to prevent discrimination, training departments, have established standard procedures to consult with civil society and have set up departments to study non-legal issues. One of the reasons to encourage prevention of discrimination and promotion of equality policies is to counterweight the practice of processing an inexhaustible flow of complaints. The idea is also that, although sanctions are undoubtedly necessary, other parallel ways are to be found to encourage "substantive equality" and raise awareness on fostering equality.

The objective of the working group members is to develop a dialogue between the Equinet members on prevention and equality policies in order to exchange experiences, tools and best practices.

In 2009, key issues for Working Group Promotion of Equality will be as follows:



- Sharing and exchanging information on measures of raising awareness and preventing discrimination on an every day basis, reviewing some of the equality bodies' practices for the promotion of equality more closely and use them for further research.
- Promote statistical data collection. Most of the national equality bodies recommend supporting the 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 an example.

The Working Group Promotion of Equality will meet at least once during the year.

## **5. Major initiative(s)**

Key issues have been raised and approved as suitable possible topics for Equinet major initiative and new ways of working in 2009.

### *Initiative focusing on Roma discrimination*

The first initiative relates to the Roma and their experience of inequality and discrimination. This initiative will involve networking between specialised equality bodies working on Roma issues, identifying the nature and extent of this work on Roma issues and engaging with the European Commission to communicate the policy learning from this work. This initiative should support specialised equality bodies to maximise the impact of their work on the situation of Roma people and should be a resource to the European Commission in their follow-up to the high level summit on the Roma people.

A second initiative relates to the transgender persons experiences of discrimination and stigmatization. This initiative entails a mapping of how specialized equality bodies promote the principle of equal treatment in regards to this group of persons. The objective of the mapping exercise is ultimately to provide the equality bodies and the European Commission with good practices on how to protect the rights of transgender persons against discrimination and to raise awareness on the specific needs of this group.

In 2009, the focus of Equinet will be primarily on the implementation of the first initiative on Roma discrimination, and subsequently at the end of 2009 only the identification of needs for a proposed second initiative on transgender issues would be initiated, for possible follow-up and implementation in the following year.

### *High-Level Meeting of Equinet Members / National Equality Bodies*

A priority for Equinet will be to follow on with recommendations resulting from the study initiated in 2008 on the practices and tools to effectively implement the principle of independence by national equality bodies.

In this context and in addition to the AGM, Equinet will organise a high-level meeting bringing together the top representatives (Chair, Chief Executive, Ombudsperson) of its member equality bodies. This meeting will seek to follow up and address the recommendations of the study on the practice of independence and engage at the highest level with representatives of national equality bodies on this issue, and possibly also to discuss and contribute to the developments at EU level of new legislation to combat discrimination. The purpose of this high-level meeting would be to engage at the highest level of national equality bodies to enhance ownership of the network and cooperation between countries and Equinet members, at the same time as seeking to create a dialogue directly with top representatives of the EU institutions, for example with key high-level officials or MEPs involved in the elaboration of a new horizontal directive and/or with a newly appointed Commissioner for DG Employment, Social Affairs and Equal Opportunities as part of a new European Commission if possible and if later in 2009.

### *One-day Legal Expert Seminar*

Furthermore in view of positive evaluation and feedback from Equinet training participants pointing to the need for and added value of further trainings as one of the main tools for enhancing members' expertise and knowledge in anti-discrimination, and in view of the growing demands for participation in each training event, Equinet (as a platform for cooperation and capacity building) will organise in 2009 an additional one-day seminar for members. This expert training seminar will focus on recent developments in anti-discrimination judiciary coming from the European Court of Justice and national courts.

Indeed, recent two years brought significant court judgements and Advocate General's opinions concerning interpretation of EU anti-discrimination directives. The number of references for preliminary rulings concerning discrimination to the ECJ sent by national courts is expected to increase in the near future. In this context, national equality bodies must be prepared and in a position to effectively perform their powers (especially the competence of legal assistance for victims of discrimination) in the line with Community's approach and interpretation.

With a view to support equality bodies and their needs in this respect, Equinet will organise a one-day expert seminar (limited to 80 participants from legal teams) involving keynote lectures and presentations by high-profiled judges and law practitioners involved in discrimination cases on the national and European level. A detailed concept and proposal for the seminar will be submitted for discussion within the Equinet executive board and membership.

## **6. Secretariat: location and resources**

In conformity with the decisions of the 2007 AGM, Equinet has been established as a legal entity under Belgian Law (AISBL *association internationale sans but lucratif* - international non-profit association). The Equinet secretariat is located at the offices of the Belgian Centre for Equal Opportunities and Opposition to Racism.

Brussels has been selected as Equinet *hub* due to its central location and proximity of EU institutions and European NGOs and institutions working in the field of equal treatment and non-discrimination from a European perspective. The Equinet Secretariat is hosted within the premises of the Belgian Centre for Equal Opportunities and Opposition to Racism providing invaluable support in daily office administration and facilities.

The recruitment of the staff for the secretariat is close to completion, with an executive director, policy officer and administration officer already in place and soon with a communications officer. The appointment of the executive director gives a boost to the range of Equinet activities and full staff resources within the Equinet secretariat will further enhance effective support and services to Equinet members as part of the network.

As indicated in part I (4.4) the information exchange will benefit from the steer of a communications officer within the Equinet secretariat. The tasks of the communications officer will include the role of a web moderator/editor, not only for the one-off implementation of the necessary technical changes, but even more so to moderate the web forum, to structure the information exchange (develop and improve formats for exchange) within the members' network and externally, develop information exchange priorities (in consultation with the policy officer content and working group moderators) and edit Equinet publications.

Working groups will further benefit from the full time support of an Equinet policy officer for content. The policy officer is furthermore responsible for ensuring the implementation of the training programmes, preparation of Equinet publications and so on.

As in previous years, Equinet members will make staff available to engage in information exchange (on average twenty days per member/year), to participate in the working groups (on average twenty days per member/year) and to participate in the management of the Equinet network (AGM, executive board, moderators of working groups, contribution of articles, etc.).

## 7. Income

The income for the Equinet budget will be from various sources.

Members contribute their own staff time (on average between 20 and 30 days per partner per year) for activities in the field of information exchange, of the working groups and for management of the Equinet structure. The value of the staff time is calculated on the basis of real costs of staff members per day. The exact contribution of the partners is calculated in the attached *beneficiary contribution (overview own contribution Equinet members 2009)* attached to the Equinet 2009 budget.

In addition to this, there is the current annual membership fee of minimum € 1000 per member (from presently 28 members). The membership fee will, together with the member contributions in staff time, make up the twenty percent minimum beneficiary contribution to match the maximum eighty percent budget support requested from the European Commission.

Furthermore, most Equinet members will pay their own travel and accommodation in relation to the AGMs.

The majority of funding will however come from the application for funding to the European Commission.