



DRAFT MINUTES OF

THE SEVENTH ANNUAL GENERAL MEETING (AGM) OF

EQUINET

EUROPEAN NETWORK OF EQUALITY BODIES

5 DECEMBER 2012

## **Attendance**

### **Equinet Members' representatives**

Please refer to the attendance list attached (**Annex 1**)

### **Board Members**

Evelyn Collins

Jozef De Witte (Chair)

Elke Lujansky-Lammer

Domenica Ghidei

Julija Sartuch

Tena Simonovic Einwalter

Therese Spiteri

Néphéli Yatropoulos

### **Board Advisor**

Niall Crowley

### **Equinet Secretariat**

Anne Gaspard (Executive Director)

Tamás Kádár (Senior Policy Officer)

Cosmin Popa (Communications Officer)

Yannick Godin (Administration and Finance Officer)

Catarina Sahl (Policy Officer)

Raili Uibo (Intern)

### **Minutes:**

Yannick Godin, Equinet Secretariat

### **Venue**

*Hotel Bloom*

Rue royale 250

1210 Brussels

Belgium

## **Quorum**

On 5 December 2012, twenty-nine (29) Equinet Members had a voting representative attending the seventh Equinet Annual general Meeting (AGM) and one (1) Equinet Member delegated its voting right to a representative of another Member attending the meeting (proxy vote). One (1) new Equinet membership application was ratified during the first vote of the morning session of the AGM and the new Member equality body was allowed to take part in the remaining votes of the session, raising the total number of represented Members and votes to thirty-one (31).

The required quorum of half the Members attending was reached and the regularity and validity of the decisions adopted by the General Assembly of Members gathered at the Equinet Annual General Meeting 2012 is therefore established.

## PROGRAMME

### Equinet Annual General Meeting

5 December 2012



*Venue: Hotel Bloom, Rue Royale 250, 1210 Brussels, Belgium*

#### TUESDAY 4<sup>th</sup> December 2012 (Networking Event)

**19:00 – 22:00** Equinet Social Event – Welcome reception and networking dinner

#### WEDNESDAY 5<sup>th</sup> December 2012 (AGM)

**08:30 – 09:00** Registration

**09:00 – 10.00** Session 1 – Equinet

*Chair: Jozef de Witte, Chair of Equinet Board*

**Welcome and Introduction**

*Jozef De Witte*

**Report from Equinet Board**

*Chair of Equinet Board*

- Implementation of Equinet 2012 work programme
- Introduction Equinet Work Plan proposal for 2013

Q&A – discussion

**New Equinet membership**

Introduction of candidate equality body:

- Commission for Protection against Discrimination, FYR of Macedonia

**Vote**

Ratification

**Equinet Membership Voting items:**

- Equinet Accounts 2011
- Minutes Equinet AGM 2011
- Equinet Work Plan 2013
- Updated Equinet Board Elections Procedures

**Vote**

**Vote: amendments & final text**

**Vote: amendments & final text**

**Vote: amendments & final text**

**10.00 – 10.30** Coffee Break

**10.30 – 11.15** Session 2 – EU Perspectives

*Chair: Evelyn Collins, Chief Executive, Equality Commission for Northern Ireland*

**Opening by the Chair of the session**

EU Commission - Perspectives for equality and non-discrimination

*Lina Papamichalopoulou*

*Head of Unit D4, DG Justice, European Commission*

EIGE – Perspectives for equality and non-

	discrimination Q&A - plenary discussion	<b>Barbara Limanowska</b> <i>Head of Operations, European Institute for Gender Equality</i>
<b>11.15 – 12.30</b>	<b>Session 3 – Structured Discussion Groups / Work Priorities for NEBs</b> <b>Group Discussions</b>	
	<p><b>Discussion tables structured around five key issues for equality bodies</b></p> <ul style="list-style-type: none"> <li>▪ <i>Taking on roles under the UNCRPD</i></li> <li>▪ <i>Towards standards for equality bodies</i></li> <li>▪ <i>Combining Equality &amp; Human Rights mandates</i></li> <li>▪ <i>Making the best use of EU funding opportunities</i></li> </ul> <p><b>You will be able to participate in <u>ONE</u> of the above discussion groups, depending on your stated preference in the registration form.</b></p> <p><b>More information about the questions to be addressed in these discussions can be found on the next page.</b></p>	
<b>12.30 – 14.00</b>	<b>Networking Lunch</b>	
<b>14.00 – 14.45</b>	<b>Session 4 – Reviewing the EU Directives</b> <b>Chair: Tamás Kádár, Policy Officer / Acting Director, Equinet Secretariat</b>	
	<b>Legal Expert Presentation</b> Q&A - Discussion	<b>Costanza Hermanin</b> <i>Program Officer, Open Society European Policy Institute</i>
<b>14.45 – 16.00</b>	<b>Session 5 – Shaping Key Activities for 2013</b> <b>Group Discussions – World Café</b>	
	<p><b>Discussion tables structured around five key Equinet activities</b></p> <ul style="list-style-type: none"> <li>▪ <i>Supporting Equality Bodies in framing and shaping their profile through communication</i></li> <li>▪ <i>Enabling an equality body contribution to the review of EU Directives</i></li> <li>▪ <i>Supporting equality bodies to engage with duty bearers</i></li> <li>▪ <i>Towards a ‘perspective’ on work on the sexual orientation ground</i></li> <li>▪ <i>Developing Equinet priorities in the field of gender equality</i></li> </ul> <p><b>You will be able to rotate from one table to another every 25 minutes, meaning that you will be able to participate in 3 of the 5 group discussions.</b></p> <p><b>More information about the questions to be addressed in these discussions can be found on the next page.</b></p>	
<b>16.00 – 16.15</b>	<b>Session 6 - Closing</b>	
	<p><b>Closing Remarks</b></p> <p><b>Anne Gaspard, Equinet Executive Director</b></p> <p><b>Jozef De Witte, Chair of Equinet Board</b></p>	

## 5 December 2012

The **Seventh Annual General Meeting (AGM) of Equinet** was declared open at 09 a.m. on 5 December 2012.

### SESSION 1: EQUINET NETWORK OF EQUALITY BODIES

#### Equinet 2012 – Report from the Board

The Equinet Chair (Jozef De Witte) presented a comprehensive report from the Board on Equinet activities and finances of the past year since the last AGM.

He also introduced the main highlights of the proposed Work Plan for Equinet activities in 2013.

See **Annex 2**

#### Ratification of a new Equinet membership

The Chair then invited Mrs. Daniela Paunova, attending representative for the *Commission for Protection against Discrimination* of the Former Yugoslav Republic of Macedonia, to introduce its organisation to Members.

Since no question or remark was raised from the audience, the Chair invited the 30 voting Members to vote on the ratification of the membership of the *Commission for Protection against Discrimination* of the Former Yugoslav Republic of Macedonia.

#### **DECISIONS:**

- 1. The application for full Equinet membership of the Commission for Protection against Discrimination of the Former Yugoslav Republic of Macedonia was adopted at the unanimity of the voting representatives (30 votes in favour)*

In view of this ratification, the Commission for Protection against Discrimination was granted the right to vote on the remaining items put to the vote of Members at AGM 2012.

The Chair announced that no written amendment had been introduced for any of the four items put to the vote of the General Assembly of Equinet Members.

The Chair then asked members' representatives for any possible remark or question regarding the minutes of the Equinet AGM 2011 and the Equinet accounts 2011. No remark or question was raised from the audience.

## **DECISIONS:**

- 2. The Equinet accounts for 2011 were adopted unanimously by the voting representatives (31 votes in favour)*
- 3. The Minutes of the Equinet AGM 2011 were adopted unanimously by the voting representatives (31 votes in favour)*
- 4. The Equinet Work Plan for 2013 was adopted unanimously by the voting representatives (31 votes in favour)*
- 5. The Updated Equinet Board Elections Procedures were adopted unanimously by the voting representatives (31 votes in favour)*

## **SESSION 3 – STRUCTURED DISCUSSION GROUPS**

AGM participants were then invited to participate in small **structured Discussion Groups** (specific thematic discussions with Members around four key issues for Equality Bodies. Summary notes of the following discussion groups can be found in Appendix I:

- Taking on roles under the UNCRPD
- Towards standards for equality bodies
- Combining Equality & Human Rights mandates
- Making the best use of EU funding opportunities

## **SESSION 5 – SHAPING KEY ACTIVITIES FOR 2013**

AGM Participants were invited to participate in three rotating discussion tables (World Café technique) out of a possible five.

Summary notes of the following discussion tables can be found in Appendix II:

- Supporting Equality Bodies in framing and shaping their profile through communication
- Enabling an equality body contribution to the review of EU Directives
- Supporting equality bodies to engage with duty bearers
- Towards a 'perspective' on work on the sexual orientation ground
- Developing Equinet priorities in the field of gender equality

## **SESSION 6 – CLOSING SESSION**

The Executive Director of the Equinet Secretariat (Anne Gaspard) thanked all participants, in particular the Chair and Members of the Executive Board and reminded Members' representatives of the coming duties, steps and main Equinet events for 2013.

== The Seventh Annual General Meeting of Equinet was officially closed at 16:15 on 5 December 2012 ==

# **APPENDIX I**

## **SUMMARY NOTES**

### **SESSION 3 – STRUCTURED DISCUSSION GROUPS / WORK PRIORITIES FOR NEBs**

#### **Discussion Group 1: Taking on roles under the UNCRPD**

The session was held in a roundtable format and chaired by Nepheli Yatropoulos. The participants took turns in first giving a short overview of their institutions and thereafter going in more detail on the central topics of *resources, independence, cooperation with NGOs, time position of their report in relation to the state report.*

#### **Conclusions from the discussions:**

- Only very few EBs have an independent mechanism for disability issues.
- The shared concern of all equality bodies is that there is a major discrepancy between the point of time when the state has to submit a report to the The Committee on the Rights of Persons with Disabilities and the point when it would be examined. The information provided will be out of date if there is a time gap of many years in between the two dates.
- This time gap forces the equality bodies to carefully consider when (if at all) to send in their independent report to the Committee in order to maximize influence and provide up to date alternative information on the rights of people with disabilities.
- Most EBs have at least some level of cooperation with the NGOs – in the shape of meetings, workshops, directed information guides etc. Some EBs receive input from the NGOs for their report, some encourage the NGOs to draft their own shadow reports

*More detailed notes on the information that each EB shared at the meeting can be read below:*

#### **Short overview of the EBs present**

**Luxembourg** - responsible for follow-up and promotion, together with NHRI, protection by Ombudsman

**Hungary** (Ombudsman Office) – independent mechanism, not NHRI

**Slovakia** – NHRI & EB, will become independent

**Sweden** – not independent mechanism, not NHRI, is waiting for the government proposal for becoming an NHRI. Would welcome becoming the NHRI and independent mechanism

**Denmark** – NHRI, independent mechanism on disability

**Netherlands**, NHRI

#### **Overview of the current state of resources, independence, cooperation with NGOs, time position of their report in relation to the state report**

**Denmark** (*Institute for Human Rights*) – state report delivered in 2012 but going to be examined in 2017. They will wait with their own report until the examination. They decided not to give input to state report but create their own independent report.

Don't take in input from NGOs directly, but have heard their message. Suggest that NGOs make their own parallel reports. Had a wide NGO meeting on the disability ground, built a homepage explaining what the articles are about - started with 33 (3).



**England** (*Equality and Human Rights Commission*) – considering whether to write a report before the examination. They might create a shortlisted question list, thus forcing to prioritize. They want to be able to approach the Committee themselves as they managed to get their question through for CEDAW. They have received no extra funding. Started out as 3 bodies, thus they have much disability capacity.

They created a roundtables guide for the NGOs

There is a Disability Committee, that takes disability and intersectionality into account throughout their work. The committee consists of mainly persons with disability.

**Slovakia** (*National Centre for Human Rights*) – the report is aged. Before the state submits their report, they provide their ideas and amendments. The parts that are not admitted by the government, they include in their own report.

They have NGO contacts but no additional resources at all

**Luxembourg** (*Centre for Equal Treatment*) – preparing the report. No resources and intending to ask more. Want to integrate article 9. The disadvantage is that there would be 2 contact points; people wouldn't know who to turn to. Ombudsman for protection is only responsible for cases concerning administration or private people but not for cases in the private sector

**Hungary** (*Equal Treatment Authority*) – quasi-judicial body, dealing with individual cases. Providing statistics to national reports and writing their own shadow reports. They are consulting NGOs; cooperating at meetings, trainings, workshops.

**Hungary** (*Office of the Commissioner for Fundamental Rights*) - ombudsman is the independent mechanism but has no sanctions

They are preparing their own shadow report, cooperating closely with disability NGOs.

They have a practise of reinvestigating a case after a few years, in order to follow up whether there has been any change.

### **Contributions to working group methods and topics**

- Cases of groups affected by the economic crisis, e.g. growing gender discrimination, and discrimination against persons with disabilities
- Effect of the EU Charter of Fundamental Rights
- Effect of the UNCRPD
- Right (or the lack thereof) to intervene in front of the ECJ – could be argued that the Court's Statute should be changed to allow NEBs to intervene
- Raised that it's important to discuss how to better use working groups and how to potentially involve other staff members of the organizations to secure they're learning something new as well
- Raised that the recession increased racism, racist discourse and was detrimental to the climate around human rights
- Focus on age discrimination

### **Contributions to legal training and legal seminar topics**

- **Legal Training:**
  - Effect of the EU Charter of Fundamental Rights, how to use it in discrimination cases
  - Proving discrimination cases
  - The shift of the burden of proof
- **Legal Seminar:**
  - Age discrimination
  - Conflicts of rights

## Discussion Group 2: Towards standards for equality bodies

The workshop was well attended, with approximately 15 participants, providing for a wide range of experiences and an interactive debate. This document aims to summarise the main points of the discussions.

The discussion started by referring to already existing standards, listing among others the UN Paris Principles, the UN Belgrade Principles, ECRI General Policy Recommendations no. 2 and 7, the Council of Europe Commissioner for Human Rights Opinion on national structures for promoting equality, and the European Union equal treatment legislation.

### I. Participants discussed the value and the objectives of standards:

Six key objectives for and benefits from standards were identified:

- Authority (defining powers and tools for equality bodies; enhancing the status and standing of equality bodies; giving further authority to their work; increasing trust in equality bodies);
- Transparency (giving increased visibility to equality bodies and their work; giving clarity to role and potential of equality bodies).
- Leverage (benchmarking the role and work of equality bodies in a changing environment; enabling stakeholders to apply political pressure for equality bodies capable of ensuring the rule of law in this field).
- Protection (protection against budget cuts; protect from political pressure; protect independence; protect legal structure).
- Ambition (fulfilling responsibilities as equality bodies; taking on the full range of tasks accorded to equality bodies)
- Comparability (similar level of protection in all Member States)

Participants agreed that Equinet and equality bodies need to pursue a holistic approach, aiming for standards that address effectiveness and independence and that cover the conditions created for equality bodies and the operations of equality bodies.

It was agreed that standards should not only be constructed as minimum criteria but need to include a focus on ambition and ongoing growth for equality bodies.

### II. Effectiveness (defined as the capacity to make an impact addressing both the range of powers available to the equality body and its capacity to use all of its powers to achieve the desired impact)

Standards for effectiveness are expected to list and define:

- a. Powers mentioned in the Directives as well as powers going beyond the strict wording of the directives, including among others powers to:
  - Litigate
  - Provide legal advice and assistance to victims of discrimination
  - Conduct research
  - Collect data
  - Address systemic problems, institutional discrimination
  - Communicate to build awareness and wider cultural change
  - Launch ex officio proceedings
  - Initiate revision of legal acts
  - Make recommendations
  - Impose binding sanctions
- b. The need for human and financial resources that are adequate to:
  - Implement all powers to a minimum standard.
  - Implement all powers on a scale sufficient to make a real impact.
  - Deploy the range of skills needed to make an impact.

### III. Independence

Standards for independence are expected to define criteria for:

- Stand alone legal structure for equality body.
- Appointment procedures for members and staff.
- Accountability of the equality body.

### IV. Operations

Standards for the internal operations of equality bodies are expected to define criteria for:

- Developing strategies and a strategic approach to the functions (e.g. communication, litigation, etc.).
- Effective approaches to fulfilling the mandate.
- Cooperation with stakeholders.

### V. Horizontal factors

Participants raised a number of general or horizontal issues relating to the development of standards for equality bodies:

- Standards need to be legally binding.
- Standards need to be regularly monitored
- The possibility and feasibility of setting up a peer accreditation or assessment system similar to that of the International Coordinating Committee for NHRIs could be explored.
- Sanctions need to be put in place for cases of non-compliance.
- Standards need to be concrete, while also taking into account different models of equality bodies and being adaptable to changes in the equality landscape.
- European-wide standards may not serve to justify any regression in standards adopted in individual states.
- The need to refer test cases to national and European courts to establish the exact scope and meaning of current and any future standards.

## **Discussion Group 3: Combining the Equality and the Human Rights mandates**

The participants of the workshop were quite active, sharing their experiences although mainly regarding the combination of equality and Ombudsman's mandates.

### **Netherlands**

The EB has had a combined mandate for two months, after having been an EB for 20 years with a semi-judicial function (9 commissioners, 45 staff). After the reorganization there can be 9-12 commissioners (currently 12), there has been a major increase in tasks but only a slight increase in budget.

Vision: equality benefits from being embedded in a broader HR framework; there should be an integrated approach as far as possible. There was no merger with conflicts of interest, and no force from Government – the change was wanted.

New organization: one semi-judicial department with a mandate only regarding equality and one other department dealing with everything else. There is no competence to handle individual complaints regarding the broader HR mandate. (There is also an Ombudsman handling cases brought against the State on "appropriate conduct"). Originally there was a fear within the EB of "losing the mark" on equal treatment due to the integrated approach but this fear went away with time.

Structure: 12 commissioners, 9 "EB commissioners" and 3 new ones working only on HR, who do not participate in the semi-judicial department. There have been added requirements of knowledge and competences for staff but no forced dismissals.

## **UK-Great Britain**

Several EBs working on different grounds were merged into one AND took on a HR mandate. The same staff has been complemented with new staff with HR competences. There has been a development of people branching out in other areas than their specialties. There is a cross-fertilization of competences and everyone is supposed to work on HR – mainstreamed approach. There has been criticism for a lack of work on HR but they are getting better, after having examined existing case-law on HR to develop their work.

## **Cyprus**

A traditional Ombudsman's office was turned into an EB during the last six months: the transformation has been a challenge. To see a case from a maladministration perspective is very different from a discrimination perspective. This challenge has had positive consequences as contact has been developed with new stakeholders within communities (civil society) where there was no contact possible before.

## **Greece**

The experience has been opposite to that of the UK. There was a national Ombudsman's office with a HR department for 10 years before a mandate on equality was added. The experience has been that through the HR aspect the legal aspect of the fight against discrimination works better because of the importance to fight effectively (?). The lack of necessary time and expertise to focus on equality has been a problem. There is an interdepartmental team working on equality and HR issues, organizing crossroads to help the development.

## **Croatia**

There was an Ombudsman's office for 20 years, dealing with administrative law and maladministration: very formalistic and hardly no promotional work. It became an NHRI in 2008 and an NEB in 2009. The two "new" mandates work well together (equality/HR) but the work "style" of the Ombudsman's office was difficult to adapt: difficulties developing relationships with the private sector, NGOs and other stakeholders, as well as developing the proactive work. It is a struggle to give equality a special place and importance in the work. Ombudsman = different ways of working, and new competences have been added. In theory all is integrated and there is no earmarked budget for equality – they (Tena and her team) have been fighting for a non-integrated approach.

The initial triage of cases is the biggest hurdle – is it a discrimination case, a HR case or an Ombudsman's case? Sometimes it would be necessary to cooperate and treat cases together.

## **Denmark**

Only equality cases. There is a separate Ombudsman's office; if they receive equality cases they cooperate.

## **Belgium**

There is a specific situation regarding the new CRPD mandate: the mandates regarding promotion and monitoring are dealt with by a specific department within the EB, but the protection mandate is handled by the ordinary department within the EB dealing with individual disability discrimination cases. The new staff has expertise which can be helpful for the existing team. The original department dealing with discrimination cases can learn the HR aspects, rather than the HR team learning how to deal with discrimination cases.

The Ombudsman's office does not handle discrimination cases, but there is a gentleman's agreement between the Ombudsman and the EB regarding cooperation on cases regarding the FR of migrants due to large numbers of such cases.

Until 2007 the “thinking” of the EB was focused on the Equality Directives but since then they have been trying to develop more of a HR thinking.

### **Austria**

The EB has no HR mandate, and is very well known as an EB, but the discussion regarding a potential merger with the Ombudsman’s office is often revived (as now).

The Ombudsman’s office has the HR mandate, and can receive complaints for instance regarding the work of the EB itself. There is a fear of losing independence in case of a merger. To have a “HR cluster” would work regarding the content of the work but not regarding institutional aspects. There would not only be a question of independence from the State but also from the potential HR department: an equality department within the HR institution would not be independent. There are completely different cultures but the culture shock would not be a problem (even a good thing?). The hierarchy which might be the result would be problematic.

### **Belgium**

There is a plan to divide the EB into two separate institutions, but there is a fear of losing the close contact and collaboration. The negotiations have been very secret, and there is no awareness of the civil society. The EB can’t work officially with civil society on these preparations.

### **Cyprus**

There is a risk of imbalance or of hierarchy within the new broader body, as stakeholders, press, the government and the public all think that the Ombudsman has the power and the possibilities.

### **Netherlands**

The drafting process of the new merger law was going the wrong way and so the EB had to act. They asked for a “confidential advice” (unofficially public) from the Office of the High Commissioner, from the point of view of the Paris principles. As the UN status means prestige, this worked. The draft law was modified in accordance with the confidential advice and even better – in future the Ministry itself asked the High Commissioner for advice before adopting the final draft. (Patrick: good idea!)

### **Finland**

There are many different Ombudsmen. The problem is they all protect their own areas. Since 2000, discussions have been going on regarding the need for a NHRI under the Paris principles, which led to the creation of a new “HR centre”. No one considered merging the existing Ombudsmen. This scattered approach with many different bodies is a clear threat to HR protection of individuals: no one knows where to go with their problems. However, there is close contact and cooperation between the Ombudsmen. There is a fear of a merger with a reference to what happened in Sweden where for instance after the merger the good work and expertise on gender was lost for a long time (now coming back, slowly).

### **Poland**

The situation is very complex. There is both competition and cooperation between the different departments of the same body (300 staff). It was an Ombudsman’s office for many years, before the equality mandate was added. Equality had before been seen as a HR treated in the public sphere by the Ombudsman.

The institutional position of equality within the body is severely underestimated compared to the work being done. When a department receives a case for which they are not competent (or best placed), they must know where to “send” the case, and has to follow-up on the work done on these cases by the other departments.

**“Conclusion”**: There is a need for cooperation in the field of HR and equality, as it is harmful for the individual when it is too fractured. However, too close cooperation (too many mandates mixed without any earmarked budgets, etc.) can also be harmful to the cause.

## Discussion Group 4: Making the best use of EU funding opportunities

### **Possible sources of funding:**

Different EC programmes:

- European Social Fund :
- Progress: 5 strands out of which 3 are relevant for NEBS: social inclusion, non discrimination and gender equality.
- The Grundtvig life-long training programme
- The Leonardo Da Vinci programme
  
- The EU Integration Fund
  
- The EEA (Norway, Lichtenstein, Iceland) (<http://www.eeagrants.org/>)

There are a lot of funding possibilities allowing to cover all sorts of activities and focus areas for NEBs.

### **Important to take into consideration before applying for a grant:**

- Time constraints: calls are generally allowing a short deadline for answering and Members might need to get a green light from their national government
- High workload for the management of the grant
- Reporting requirements
- Audit requirements
- Human Resources

It is sometimes possible to incorporate intermediaries in the grant agreement (that would be dealing with all the administration part of the project).

Since we are only talking about “soft” projects, that have not a direct visible impact, like building a hospital, there is a need for a strong, developed strategy for impact monitoring.

### **How best to use EU funding?**

- Establish cooperation between different NEBS and apply together for a grant
- Exchange executive summaries of projects successfully applied for and implemented through the Equinet website
- If a NEB has obtained a grant for a specific project, it should delegate it to one person to the contact point on that's project for other NEBs to contact and ask for information

### **Suggestions from participants:**

- Make a better use of the possibilities for information exchange of the Equinet website, by instance Members could put more information about the projects they are dealing with (a dedicated page for programmes or as part of the profile of each Member)
- There should also be a dedicated place for questions, discussion and information exchange on grant-funded programmes on the Equinet website
- Members should work together and not compete for funds. It is possible to come up with a common proposal for certain funds and certain calls

# **APPENDIX II**

## **SUMMARY NOTES**

### **SESSION 5 – SHAPING KEY ACTIVITIES FOR 2013 – WORLD CAFÉ SESSION**

#### **Table 1: Supporting equality bodies in framing and shaping their profile through communication**

*Major difficulties in framing and shaping a positive profile for national equality bodies (NEBs)*

1. The major difficulty identified by the NEBs present in the discussions was combating the image portrayed in the media or by various critics of an organisation existing only to protect certain groups (e.g. “employees’ friends”, “organisation for Roma and travellers”, “protector of women’s interests”, “Moroccan centre”, etc). An interesting aspect brought up in relation to this is the importance of having a good name for the organisation, and not one that emphasizes a certain ground (e.g. the Belgian Centre for Equal Opportunities and Opposition to *Racism* that deals with many grounds) unless necessary (e.g. the Belgian Institute for the Equality of Women and Men that deals only with the gender ground).

As explained in more detail in the next section, the preferred reaction among NEBs to the above challenge is to seek to be more visible in relation to all grounds or to seek ways to show that they are not “favouring” a certain group. This however can also raise another difficulty: alienation or over-defensiveness on the part of that group in its communication with the NEB. In other words, there is a delicate balancing act that NEBs need to perform: protecting *and* showing that they are protecting the interests of all without alienating certain groups that may actually be more vulnerable and that at times may require “extra attention”.

2. Another difficulty identified at a more general level was that combating discrimination through all the various tools at the disposal of an NEB is a new phenomenon, so in many countries the issue is not part of a “public consciousness”. In other words, most people regardless of their social status or educational background do not understand what discrimination means, are not able to recognize it, and require a basic and gradual approach to raise their understanding of the issue and its importance.
3. A fourth difficulty identified is in relation to large NEBs or NEBs that have recently been merged with other institutions (e.g. French *Defender of Rights*). This entails having multiple mandates (e.g. ombudsman, child protection, NHR), which can complicate the process of building a coherent and convincing public profile in relation to the task of combating discrimination.

Potential ways to frame & shape a positive profile for NEBs, also addressing the difficulties above

1. A way to address the first difficulty above is to communicate on cases, activities and initiatives on multiple grounds. Among other, this can entail being present at public moments showing commitment to a range of grounds (i.e. “publicity events”), highlighting “success stories” related to a variety of grounds, etc.
2. A way to address the second difficulty identified above is make sure decisions, opinions, and pronouncements are easily understandable to everyone. On a practical level, a participant in the discussion brought up the example of an organisation in the non-discrimination field that switched from using the question “are you a victim of discrimination?” in its campaigns to “have you been treated unfairly?”. This avoided the potential for people not knowing what discrimination is.

Other suggested approaches to deal with the third difficulty included focusing on educating and informing opinion formers and journalists (e.g. through a deontological guide for young journalists, to be used in journalism schools), emphasizing each ground periodically to avoid mixing messages but also adapting communication strategies to the various grounds.

### **Table 3: Supporting equality bodies to engage with duty bearers**

The workshop was organized in a world café format, participants spending approximately 20 minutes at one table, then moving on to another one. Thereby each participant had the chance to visit 3 different tables and to discuss 3 different topics during this session.

The discussion started with a short introduction by John Stauffer, the host of this table and member of the Equinet working group (WG) on Strategy Development. He explained that the WG currently (in 2012 and 2013) deals with the topic of equality bodies' engagement with duty bearers. The issues discussed by the WG include:

- Who are the duty bearers?
- Specific obligations for duty bearers under domestic law going beyond non-discrimination
- Key principles equality bodies follow in dealing with duty bearers
- Key tools and categorisation of tools equality bodies use vis-à-vis duty bearers
- Factors taken into account by equality bodies when choosing a particular field/topic/type of duty bearers as their focus
- Factors taken into account by equality bodies when choosing a particular tool or combination of tools to engage with duty bearers

The following summary lists some of the main points, projects and ideas identified during the workshop discussions.

#### **1. Actors identified as duty bearers:**

- a. Municipalities (key players as they have a very wide scope of responsibilities) – project with the 2 largest municipalities in Denmark which then worked with other municipalities to spread best practices, as an example of an effective approach: they can act as multipliers, spreading the messages to others
- b. Police
- c. Employers – in the Netherlands, they are the respondents in 65% of all cases
- d. Public sector – some participants argued that public sector should be the primary target for equality bodies to ensure showing a 'good example'; others argued that public sector, private sector and civil society should be targeted equally
- e. Civil society was identified as having equality duties as well

#### **2. Principles identified:**

- a. Equality bodies need to build trust
- b. Equality bodies need to engage with duty bearers and get to know them and their perspective



- c. The message used should also be positive, promoting equality, not just non-discrimination
- d. There's a need for equality bodies to have strong legal powers (litigation and/or sanctioning) as an option to guarantee impact of their other types of action

**3. Specific tools and methods identified:**

- a. Legal tools, such as litigation, interventions or amicus curiae
- b. Website, other communication channels
- c. Training
- d. In Belgium, the equality body's legal department and the equal opportunities department cooperate to identify structural problems and then to give training and achieve a change of policies by the duty bearers
- e. Dialogue with duty bearers – the Dutch equality body started a dialogue with financial service providers based on its own research showing discriminatory practices in their lending. The dialogue (supported by the research) led to the providers developing an effective self regulation.
- f. Research/studies – this can include own research as well as reports to/from other organisations, for example UN bodies, Council of Europe or EU.
- g. Advice to the legislator on new legislation and legislative amendments
- h. Self-testing tools for duty bearers: the French equality body provides such a tool for big companies
- i. Collecting and communicating good practices: The French equality body collects good equality practices of companies in a yearbook. Companies that don't answer are also listed in the yearbook (name and shame).
- j. The different tools are interconnected. For example legal action can pinpoint problematic areas/practices thus leading to promotional, research and other types of activities aimed at duty bearers.

**Table 4: Towards a Perspective on work on the sexual orientation ground**

According to the world café format, the discussion on this topic was led by Evelyn Collins as table host and conducted in three rounds of approximately 20 minutes each involving different participants. The table discussions were well attended with 10-12 participants (each round) representing throughout the overall session equality bodies from the following countries: Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Malta, Poland, Portugal, Slovenia, Spain, Sweden, the Netherlands, FYROM (Macedonia), Albania.

The discussion started with a short introduction by Evelyn Collins, Moderator of the Equinet working group (WG) on Policy Formation, outlining the plan to prepare in 2013 an Equinet Perspective on the sexual orientation ground. She invited table participants to share experience from their country and key priorities set or barriers faced by their equality body in relation to work on the sexual orientation ground. All rounds of discussion were very participative with rich inputs and exchanges.

Some key emerging themes, projects and ideas shared by members are summarized below:

### *Challenges*

- Different levels of legislative protections across countries and Europe
- Political dimension of sexual orientation debates in some countries
- Issue of 'societal norms', prejudice and stereotypes – invisibility of LGBT communities to many people – lack of visible role models
- General lack of public information on LGBT issues (Finland)
- Under-reporting on this specific ground is a major problem - small number of complaints overall (Cyprus, Greece, Denmark)
- Most are harassment cases, as well as to hate crime and hate speech (Belgium, Slovenia)
- Individuals are more likely to ask to stop investigation and drop complaints (Cyprus, Greece)
- Lack of legislation on trans discrimination (Finland)
- Limitation for this ground to have no competence on goods and services, only employment (Austria)
- Fear of victimization, need to know that case will be successful and a ground-breaking case (Netherlands)
- Litigation powers on hate speech and hate crime
- Multiple discrimination sexual orientation and age ground – LGBT & old people (France)

### *Priorities*

- Importance of creating visibility for the equality body in relation to discrimination and complaints on this ground (Italy)
- Need for campaigns, education and (creating and increasing) awareness, working on and challenging attitudes
- Give visibility to the reality and issues – including through role models
- Importance of cooperation between NEBs and LGBT NGOs (including to bringing cases)
- Hate as an aggravating circumstance
- Issue of homophobia and bullying in education

### *Some initiatives / projects at national levels*

- NEB participating in a research/ programme to combat stereotypes in public discourse, looking at attitudes and homophobia in schools in collaboration with the Ministry of Education (Cyprus)
- NEB a central contact point for advice and complaint, launch 2012 of a new working table with stakeholders – NGOs, social partners, ministries – as part of a National Strategy to combat discrimination on sexual orientation (Italy)
- Aspect of service provisions as police failed to protect a gay couple (2011 murder), police "rainbow cops" project (Belgium)
- National action Plan against Homophobia, working with police and magistrates (Belgium) – specific responsibilities for implementation still unclear (including role of EB in that)
- Recent survey on trans and case on diploma (Netherlands)

- Competence on trans since 2004, mostly harassment cases (Sweden)
- Key role of LGBT NGOs in an homophobic society, ban on gay prides (Serbia)
- Impact of active LGBT NGOs particularly through new technologies (twitter, facebook)
- Gay marriage law in place as well as law / protection on sexual orientation, but not EB

*Note: It is mentioned in brackets when a point or project was mentioned by the NEB of a particular country but this is indicative only and by no means exhaustive when a point was often again mentioned and supported by other NEBs/countries*

**Table 5: Developing Equinet priorities in the field of gender equality**

<b>Topics identified in the workshop grouped according to the categories that emerged.</b>	<b>Topics identified in the workshop grouped according to Equinet mapping exercise.</b>
<p><b>1. Economic empowerment</b></p> <p>Equal pay for equal work and jobs of equal value; and the impact of recession and austerity measures on gender equality, and reconciliation of work and life emerged as significant themes for Equinet.</p> <p>Labour inspections, collective bargaining, women entrepreneurs, recruitment and insurance were also named.</p> <p><b>2. Political empowerment</b></p> <p>Gender balance in boardrooms and political representation were named.</p> <p><b>3. Personal empowerment</b></p> <p>Pregnancy related discrimination, sexual harassment at work and domestic violence emerged as significant themes for Equinet.</p> <p>Care issues in relation to older people and children, access to housing, education and social protection were also named.</p> <p><b>4. Cross-cutting issues</b></p> <p>Gender identity and intersectionality, minority ethnic women and women with a disability in particular, emerged as significant themes for Equinet.</p> <p>Access to justice, men and gender equality, the anti-feminist backlash, gender mainstreaming, gender-based statistics and indicators were also named.</p> <p>The cooperation of equality bodies with NGOs and equality bodies contributing to policy making were also named.</p>	<p><b>1. Establishing Equinet's position</b> <i>Following the mainstream focus on the labour market:</i></p> <p>Equal pay for equal work and jobs of equal value and the impact of recession and austerity measures, pregnancy related discrimination, and sexual harassment at work emerged as significant themes for Equinet</p> <p>Women entrepreneurs, gender balance in boardrooms, recruitment, reconciliation of work and family, labour inspections, and collective bargaining were also named.</p> <p><b>2. Building on Equinet's position</b> <i>Beyond the labour market</i></p> <p>Access to goods and services and issues beyond the labour market have been difficult to focus on to date and could form a significant focus for Equinet. Access to housing, education and social protection were named in this regard.</p> <p>Care issues – care of older people and children, insurance were also named.</p> <p><b>3. Further goals:</b></p> <p>Intersectionality (minority ethnic women and women with disabilities), gender identity and domestic violence emerged as significant themes for Equinet.</p> <p>Access to justice, men and gender equality, the anti-feminist backlash, gender mainstreaming, gender-based statistics and indicators, and political representation were also named.</p> <p>The cooperation of equality bodies with NGOs and equality bodies contributing to policy making were also named.</p>