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Equinet note on the ongoing negotiations on the Horizontal Directive

Equinet is the European Network of 42 national equality bodies from 32 European countries (including all 28 European Union Member States). Equinet works toward a vision of a more equal Europe and promotes equality through supporting and enabling the work of national equality bodies. We support equality bodies to be independent and effective as valuable catalysts for more equal societies.

It is Equinet's firm position that **the extension of EU equal treatment legislation** with the adoption of the proposed Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (hereafter: Horizontal Directive) **is long overdue and highly necessary** in order to guarantee protection against discrimination outside the field of employment to all in and across the EU and to challenge a hierarchy of discrimination grounds.

Equality bodies started to call attention to the need for combating discrimination in goods and services already back in 2004¹. In 2008, Equinet issued a report with the specific aim of informing the proposal of the Horizontal Directive. The publication made the case for legislation ensuring uniform protection on all discrimination grounds and in all fields of life².

Important gaps and inconsistencies in protection from discrimination remain in Europe. Despite the absence of EU legislation in the field, **many Member States have decided to go beyond the requirements of the EU Equal Treatment Directives**. These countries enacted legislation that prohibits discrimination on the grounds of age, sexual orientation, religion and belief and disability beyond the field of employment and many Member States established equality bodies whose mandates include these grounds. The experiences and complaints statistics of these equality bodies are a **powerful evidence of inequality and discrimination on grounds and fields falling within the scope of the Horizontal Directive**, and outside the protection provided by EU legislation currently in force.

Equinet's Report on the Implementation of the Race and General Framework Directives³ summarises the experiences of equality bodies by making it clear that the current hierarchy of protection at EU level is problematic and the resulting different legislative choices made by Member States ultimately militate against freedom of movement, as there is an uneven patchwork of protection across Member States.

Equality bodies, responding to Equinet surveys and based on their experience, emphasised the need to provide legal protection against discrimination on the grounds of religion or belief, disability, age or sexual orientation beyond the field of employment. In some countries and on certain grounds, discrimination outside the field of employment resulted in

¹ http://equineteurope.org/IMG/pdf/EN_-_Combating_Discrimination_in_Goods_and_Services.pdf

² http://equineteurope.org/IMG/pdf/EN_-_Beyond_the_Labour_Market_-_Opinion_2008.pdf

³ http://equineteurope.org/IMG/pdf/equinet_equality_law_in_practice_2013_report_final_covers.pdf

more complaints than the employment sector. Equinet's recent reports addressing discrimination on the grounds of age⁴, religion and belief⁵, sexual orientation⁶, and disability⁷ provide ample material to support the need for protection against discrimination on these grounds outside employment. Based both on the experiences of equality bodies that have such a mandate and those that currently lack one, it is recommended that the Horizontal Directive is adopted as soon as possible.

The importance of the current role of the EU as party to the **UN Convention on the Rights of Persons with Disability** (UNCRPD - also signed by all MS and ratified by most of them) is also to be underlined. The new Horizontal Directive provides an opportunity to and therefore should set standards at least as protective as the UNCRPD.

We note that the latest version of the text discussed in the Council does contain some important limitations and the level of protection seems in some instances to have been weakened compared to the original proposal.

Therefore, Equinet wishes to express its support to reconsidering the text under discussion in the Council with a view to aim for the highest level of protection, and to adopt the new legislation as soon as possible to increase effective protection against discrimination in Europe.

Should you need further information or support, please feel free to contact the Equinet Secretariat (*Tamas Kadar* - tamas.kadar@equineteurope.org +32 2 212 3183).

⁴ http://equineteurope.org/IMG/pdf/age_perspective_merged_-_equinet_en.pdf

⁵ http://equineteurope.org/IMG/pdf/Religion_and_Belief_Report_merged_.pdf

⁶ http://equineteurope.org/IMG/pdf/lgbti_perspective_english_.pdf

⁷ <http://www.equineteurope.org/Realising-Rights-Equality-Bodies>