

APPROVED MINUTES OF
THE NINTH ANNUAL GENERAL MEETING (AGM) OF
EQUINET
EUROPEAN NETWORK OF EQUALITY BODIES

4 DECEMBER 2014

Attendance

Equinet Members' representatives

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

Board Members

Anna Blaszczak

Michiel Bonte

Evelyn Collins (Chair)

Istvan Haller

Sandra Ribeiro

Tena Simonovic Einwalter

Néphèli Yatropoulos

Equinet Treasurer

Therese Spiteri

Board Advisor

Niall Crowley

Equinet Secretariat

Anne Gaspard (Executive Director)

Tamás Kádár (Senior Policy Officer)

Yannick Godin (Administration and Finance Officer)

Ilaria Volpe (Policy Officer – Gender Equality)

Marina Gachmova (Trainee)

Martina Meneghetti (Trainee)

Minutes:

Yannick Godin, Equinet Secretariat

Venue

Hotel Pullman Brussels Midi

Place Victor Horta 1

1060 Brussels

Belgium

Quorum

On 4 December 2014, thirty-one (31) Equinet Members Equinet Member Organisations out of the total forty one (41) had a voting representative attending the Ninth Equinet Annual General Meeting (AGM) and eight (8) Equinet Members delegated their voting rights to a representative of another Member attending the meeting (proxy vote) for a total of thirty-nine (39) votes possible for the items put to the vote during the first session of the morning.

One (1) new Equinet membership application was ratified by the General Assembly of Members during the second vote of the morning session and the new Member equality body took part in the last vote of the meeting (Equinet Strategic Plan 2015-2018), raising the total number of represented Members and votes to forty (40).

The compulsory quorum of half the Members attending was attained and the validity of the decisions adopted by the General Assembly of Members gathered at the Equinet Annual General Meeting 2014 held on 4 December 2014 in Brussels is therefore established.

AGENDA

Equinet Annual General Meeting (AGM)

Thursday, 4 December 2014

Venue: Hotel Pullman, Brussels Midi, Place Victor Horta 1, 1060 Brussels, Belgium

Wednesday 3 December at 19.30 – Networking Dinner with Equality Bodies

08:30 - 09.00	Registration		
09.00 - 10.45	Session 1 – Equinet, the European Network of Equality Bodies Chair: Evelyn Collins, Chair - Equinet Executive Board		
09.00 - 09.30	<ul style="list-style-type: none"> • Welcome and introduction • Report on Equinet by Evelyn Collins, Chair - Equinet Executive Board 		
	Report on 2014 Work Plan Update on Equinet Membership Funding & financial issues		
	<ul style="list-style-type: none"> • Q&A – Members’ discussion 		
	VOTE ON	Accounts 2013	Minutes AGM 2013
09.30 - 09.40	<ul style="list-style-type: none"> • Ratification of new Equinet membership Introduction by Irma Baraku , Commissioner for the Protection from Discrimination, Republic of Albania		
	VOTE ON	Ratification of candidate for membership	
09.40 - 10.15	<ul style="list-style-type: none"> • Presentation of Equinet Strategic Plan 2015-2018 & Introduction Equinet Work Plan 2015 (adopted November 2014)		
	<ul style="list-style-type: none"> • Q&A – Members’ discussion 		
	VOTE ON	Equinet Strategic Plan 2015-2018	
10.15 - 10.45	<ul style="list-style-type: none"> • Introduction of key topics for discussion groups Approach to Standards for Equality Bodies Towards a comprehensive EU Equal Treatment legislation framework Equality Bodies, the EU 2020 Strategy and EU funds Third Party Interventions before the ECtHR		
10.45 - 11.15	Coffee Break		

11.15 - 13.00	<p>Session 2 – Structured Discussion Groups with member NEBs (parallel discussion groups)</p> <p>Participants will have the opportunity to take part in two discussion groups consecutively – 45 min each.</p> <ul style="list-style-type: none"> • Approach to Standards for Equality Bodies (Facilitator: Evelyn Collins, Chair, and Secretariat: Anne Gaspard) • Towards a Comprehensive EU Equal Treatment Legislation Framework (Facilitator: Anna Blaszczyk, Board Member, and Secretariat: Ilaria Volpe) • Equality Bodies, the EU 2020 Strategy and EU Funds (Facilitator: Niall Crowley, Board Advisor, and Secretariat: Yannick Godin) • Third Party Interventions before the ECtHR (Facilitator: Michiel Bonte, Board Member, and Secretariat: Tamás Kadar)
13.00 - 14.00	Networking Lunch
14.00 - 15.45	<p>Session 3 – EU priorities on equality and non-discrimination and the contribution of equality bodies</p> <p>Chair: Evelyn Collins, Chair - Equinet Executive Board</p> <ul style="list-style-type: none"> • Introduction – Equinet perspective, Tena Šimonović Einwalter, Moderator of Equinet Working Group Policy Formation and Board Member, Deputy Ombudswoman - Croatia • Salla Saastaimonen, Director for Equality, DG Justice, European Commission • Ulrike Lunacek MEP, Vice-President of the European Parliament (video message) • Jean Lambert MEP, European Parliament, Chair of the Delegation for South Asia, Member of the Committee on Employment and Social Affairs, substitute to the Committee on Civil Liberties, Justice and Home Affairs • Q&A – Discussion with representatives of national equality bodies
15.45 - 16.00	<p>Final remarks and closing of the AGM</p> <p>Anne Gaspard, Equinet Executive Director</p>

4 December 2014

At 9 a.m. on 4 December 2014, Dr Evelyn Collins, the Chair of the Equinet Board of Directors (the Board), declared the **Ninth Equinet Annual General Meeting (AGM)** open.

SESSION 1

Equinet - the European Network of Equality Bodies

Equinet 2014 – Report from the Board

On behalf of the Equinet Board, Dr Evelyn Collins, Chair, gave a comprehensive report on Equinet activities for 2014. She also thanked the Executive Director and all the Officers for their excellent work in delivering the Equinet Work Plan 2014.

Ms. Therese Spiteri, the Equinet Treasurer, gave an overview of the financial situation for 2014.

See **Annex 2** for the presentations made by the Chair of the Equinet Board and the Equinet Treasurer.

Dr Collins invited Equinet Members to cast their votes on the Accounts 2013 and the minutes of the Equinet AGM 2013.

DECISIONS:

- 1. The Minutes of the Equinet AGM 2013 were unanimously adopted (39 votes in favour) by the General Assembly of Equinet Members.*
- 2. The Accounts for the year 2013 were unanimously adopted (39 votes in favour) by the General Assembly of Equinet Members.*

Dr Collins invited Ms. Irma Baraku, the Commissioner for the Protection from Discrimination from the Republic of Albania, to give a short overview of the work of her organisation. The Equinet membership application from the Albanian Commissioner for the Protection from Discrimination of Albania was then put to the vote of the General Assembly of Equinet Members.

DECISION:

- 3. The application for Equinet membership of the Commissioner for the Protection from Discrimination of Albania was unanimously adopted (39 votes in favour) by the General Assembly of Equinet Members.*

Following this vote, the number of Equinet Members' representatives entitled to vote on the last voting item of the day went from 39 to 40 (out of an increased total Equinet membership of 42 equality bodies).

Dr Collins introduced the new **Equinet Strategic Plan 2015-2018** to the members. The Strategic Plan 2015-2018 is the result of a comprehensive consultation with Equinet Members and key stakeholders that took place in 2014. It aims to be a faithful reflection of the needs and ambitions of equality bodies within a growing and evolving Equinet membership.

The main highlights of the Equinet Work Plan for the year 2015 were presented subsequently in the framework of the new Equinet Strategic Plan 2015-2018, providing an illustration of its first year of planned implementation. The Work Plan 2015 had already been adopted by Equinet Members in November 2014 through an accelerated procedure in order to comply with funding deadlines for an Equinet Grant application to the EC.

The Strategic Plan 2015-2018 was then put to the vote of the General Assembly of Equinet Members.

DECISION:

4. *The Equinet strategic Plan 2015 - 2018 was unanimously adopted (40 votes in favour) by the General Assembly of Equinet Members.*

Dr Collins invited facilitators of the four discussion groups to be held in Session 2 to introduce information on the context and the proposed questions for discussion under each of the topics. The four thematic discussion groups were:

- Group 1: Approach to Standards for Equality Bodies
- Group 2: Towards a comprehensive EU Equal Treatment legislation framework
- Group 3: Equality Bodies, the EU 2020 Strategy and EU funds
- Group 4: Third Party Interventions before the ECtHR

SESSION 2

Structured Discussion Groups with member NEBs (parallel discussion groups)

AGM participants were invited to participate in small **structured Discussion Groups** around four key issues in order to support and inform the design of Equinet future activities. Equality bodies' participants from member equality bodies were divided into groups and each had the opportunity to take part in two thematic discussions.

- **Group 1: Approach to Standards for Equality Bodies**

The discussions focused on the case for the development of standards and the issues that such standards would need to address. The outcomes of the discussions will inform the Equinet cluster on standards for equality bodies under the 2015 work plan. What are the key

external changes, challenges and opportunities in the political, institutional and legal environment affecting the work and priorities of NEBs and Equinet?

- **Group 2: Towards a comprehensive EU Equal Treatment legislation framework**

The group discussed key pending EU legislative proposals like the Horizontal Directive, the Maternity Leave and Work-Life Balance Directive, the Women on Corporate Boards Directive and the potential role and implications for equality bodies. The group also considered the potential role of equality bodies in breaking the political deadlock around these proposals. Specific questions discussed included:

- What are the experiences of equality bodies in the areas covered by these proposals? Is legislation needed in the field?
- What are the experiences in countries where similar legislation is already in place at the national level?
- How could equality bodies contribute to breaking the deadlock around these proposals?

- **Group 3: Equality Bodies, the EU 2020 Strategy and EU Funds**

The group discussed the contribution of equality bodies to the objectives of the EU 2020 Strategy and explored how equality bodies can use EU funding most effectively in this work. The discussions took into account the learning from the Equinet discussion paper on “Equality Bodies and the Europe 2020 Strategy”.

- **Group 4: Third Party Interventions before the ECtHR**

The group considered a proposal for Equinet to pilot a project of engagement in litigation in front of the European Court of Human Rights (ECtHR) by way of submitting third-party interventions in a few carefully selected cases concerning discrimination.

Third party interventions and amicus curiae briefs are seen as an additional useful and effective way in which equality bodies may have an impact on the development of the law by sharing their specialist knowledge and experiences with the court, without explicitly supporting any of the parties in the procedure. Discussions focused on the proposal which had been circulated to Members prior to the event with the AGM papers.

Summary notes of the discussions that took place in each of the four groups can be found in **Annex 3**.

LUNCH BREAK FROM 13:00 TO 14:00

SESSION 3

EU Priorities on Equality and Non-Discrimination and the Contribution Of Equality Bodies

In the first part of this session, Ms. Tena Simonovic-Einwalter, a member of the Equinet Board and Moderator of the *Policy Formation Working Group*, gave a presentation on how Equinet and its members could play a role in the current debate on Equality in Europe and inform policy-making. She underlined some of the main highlights of the Equinet Strategic Plan 2015 – 2018 in that regard.

The slides of this presentation can be found in **Annex 4**.

Three speakers from European institutions were invited to present the current priorities of the European Commission and the European Parliament in the field of equality and non-discrimination:

- **Salla Saastamoinen**, Director for Equality, DG Justice, European Commission
- **Ulrike Lunacek MEP (recorded video intervention)**, Vice-President of the European Parliament
- **Jean Lambert MEP**, European Parliament, Member of the Committee on Employment and Social Affairs, substitute to the Committee on Civil Liberties, Justice and Home Affairs

Ms. Saastamoinen presented changes in the Services of the European Commission following the new College of Commissioners taking office. She presented the priorities of the new Commission and underlined the important role antidiscrimination and gender equality play in it. Ms Lunacek underlined the importance of closing existing gap in the legislation, in particular by adopting the Horizontal Directive, for which she is Rapporteur in the European Parliament. She also underlined the importance of having a LGBT Roadmap at EU level. She concluded underlining the key role played by equality bodies. Ms Lambert underlined the new equilibriums in the newly elected European Parliament and the importance to ensure a strong commitment to equality. She also underlined the need for EU internal policies to be consistent with EU requests to Third Countries, including on respect of equality and existence of strong independent mechanisms for the promotion of equality.

The speakers engaged in an exchange and discussion with the audience following questions and comments from representatives of member equality bodies and external stakeholders on how to reinforce the collaboration between the European institutions, national equality bodies and other stakeholders in order to effectively promote the equality agenda in Europe.

Ms. Anne Gaspard, Executive Director of Equinet Secretariat, held a closing address and thanked all participants, in particular the speakers, the Equinet Chair and Board Members and the facilitators of the discussion groups for their valuable contributions. She reminded Members' representatives of their

forthcoming duties and opportunities to engage through the range of Equinet activities and events planned for 2015.

== The Ninth Annual General Meeting of Equinet was officially closed at 16:00 on 4 December 2014 ==

ANNEX 1

ATTENDANCE LIST

List of participants - Equinet Annual General Meeting (4 December 2014)				
Name	Family name	Organisation	Position	Country
Jovan	Ananiev	Commission for protection against discrimination	Commissioner	Republic of Macedonia
Fabrizio	Anzolini	UNAR (National Office Against Racial Discrimination)	Expert	Italy
Inês	Azevedo	High Commission for Migrations	Deputy	Portugal
Irma	Baraku	Commissioner for Protection from Discrimination	Commissioner	Albania
Anna	Błaszczak	Human Rights Defender	Deputy director of the Department of Equal Treatment and Protection of the Rights of Persons with Disabilities - Equinet Board Member	Poland
Christopher	Brierley	Equality and Human Rights Commission	Policy Officer	United Kingdom
Michiel	Bonte	Interfederal Centre for Equal Opportunities	Head of service – Equinet Board Member	Belgium
André	Callus	National Commission for the Promotion of Equality	Policy and training Executive	Malta
Evelyn	Collins	Equality Commission for Northern Ireland	Chief Executive and Chair of Equinet	United Kingdom – Northern Ireland
Tiziana	Cravero	National Equality Councillor - Ministry of Labour and Social Policy	Staff of National Equality Councillor	Italy
Niall	Crowley	Independent expert	Equinet Board Advisor	

Marco	De Giorgi	UNAR (National Office Against Racial Discrimination)	Director General	Italy
Jozef	De Witte	Interfederal Centre for Equal Opportunities	Executive Director	Belgium
Susanne	Fischer	The Board of Equal Treatment	Head of Secretariat	Denmark
Sinéad	Gibney	Irish Human Rights and Equality Commission	Director	Ireland
Maka	Gioshvili	Public Defender's office of Georgia	Head of the Equality Department	Georgia
Ardiana	Hala	Commissioner for Protection from Discrimination	Advisor	Albania
Istvan	Haller	National Council for Combatting Discrimination	Equinet Board Member	Romania
Elisabeth Lier	Haugseth	The Equality and Anti-Discrimination Ombud	Deputy Ombud	Norway
Rebecca	Hilsenrath	Equality and Human Rights Commission	Chief Legal Officer	United Kingdom
Emile	Hofhuis	Netherlands Institute for Human Rights	Vice Chair	The Netherlands
Mario	Huberty	CET (Centre for equal treatment)	President	Luxembourg
Kerstin	Jansson	The Swedish Equality Ombudsman	International Secretary	Sweden
Carine	Joly	Institut pour l'égalité des femmes et des hommes	Conseillère	Belgium
Sandra	Konstatzky	Ombud for Equal Treatment	Deputy Director	Austria
Nanna Margrethe	Krusaa	The Danish Institute for Human Rights	Team leader, legal adviser	Denmark
Miko	Lempinen	Office of the Ombudsman for Equality	Senior Officer	Finland

Maria Ventegodt	Liisberg	The Danish Institute for Human Rights	Head of the Equality Department	Denmark
Ljiljana	Loncar	Commissioner for Protection of Equality of the Republic of Serbia	Assistant to Commissioner	Serbia
Nathalie	Morgenthaler	CET (Centre for equal treatment)	Executive director	Luxembourg
Martin	Mörk	The Swedish Equality Ombudsman	Head of Litigation Unit	Sweden
Nebojsa	Paunovic	Gender Equality Ombudsperson	Legal Adviser	Croatia
Zuzana	Pavličková	Slovak National Centre for Human Rights	Legal Expert for External Relations	Slovakia
Nevena	Petrusic	Commissioner for Protection of Equality of the Republic of Serbia	Commissioner	Serbia
Petr	Polak	Office of the Public Defender of Rights	Head of the Division of Equal Treatment	Czech Republic
Constanze	Pritz-Blazek	Ombud for Equal Treatment	Legal Advisor	Austria
Sandra	Ribeiro	Commission for Equality in Labour and Employment	President - Equinet Board Member	Portugal
Eliza	Savidou Tsalakou	Office of the Commissioner for Administration and Human Rights (Ombudsman)	Commissioner for Administration and Human Rights	Cyprus
Tena	Šimonović Einwalter	Office of the Ombudsman-Croatia	Deputy Ombudsman - Equinet Board Member	Croatia
Ignacio	Sola Barleycorn	Council for the Erradication of Racial or Ethnic Discrimination	Secretary	Spain
Alexander	Sopp	Federal Anti-Discrimination Agency	Legal Officer	Germany
Therese	Spiteri	-	Treasurer to the Equinet Board	Malta

Aristos	Tsiartas	Office of the Commissioner for Administration and Human Rights (Ombudsman)	Head of Anti-Discrimination Body	Cyprus
Jacques	Toubon	Defenseur des droits	Defenseur des droits	France
Bostjan	Vernik Setinc	Advocate of the France principle of equality (Ministry for labour, family, social affairs and equal opportunities)	Advocate of the principle of equality	Slovenia
Maria	Voutsinou	Greek Ombudsman	Lawyer, Senior Investigator	Greece
Néphéli	Yatropoulos	Defenseur des droits	Advisor - Equinet Board Member	France
Salla	Saastaimonen	European Commission DG Justice		
Jean	Lambert	Member of European Parliament		
Lina	Papamichalopoulou	European Commission DG Justice		
Charlotta	Österborg	European Commission DG Justice		
Andreas	Stein	European Commission DG Justice Equal Treatment Legislation		
Ellen	Gorris	European Commission DG Justice		
Gesa	Böckermann	European Commission DG Justice		
Alan	Murray	European Network of Religion and Belief		
John	Tierney	External evaluator		
Giorgio	Zecca	European Youth Forum		
Anne	Gaspard	Equinet secretariat		
Yannick	Godin	Equinet secretariat		
Tamas	Kadar	Equinet secretariat		
Ilaria	Volpe	Equinet secretariat		
Martina	Meneghetti	Equinet secretariat		
Marina	Gachmova	Equinet secretariat		

ANNEX 2

PRESENTATIONS MADE BY THE CHAIR OF THE EQUINET BOARD AND THE EQUINET TREASURER

(attached)

ANNEX 3

SUMMARY NOTES

AGM SESSION 2: Structured Discussion Groups with member NEBs

(parallel discussion groups)

<i>Discussion Group 1: Approach to Standards for Equality Bodies</i>

Facilitator: Evelyn Collins, Chair of the Executive Board

European Commission discussant: Andreas Stein, DG Justice, Head of Unit D1 (Equal Treatment Legislation)

Equinet Secretariat support person: Anne Gaspard, Executive Director, Equinet Secretariat

Summary notes of the discussions:

The discussions on *Approach to Standards for Equality Bodies* aimed at discussing the issue of European-level standards for the independence and effectiveness of equality bodies. The discussions focused on the case for the development of standards and the issues that such standards would need to address. The outcomes of the discussions will also inform the Equinet cluster on standards for equality bodies under the 2015 work plan.

The discussions were held with two consecutive groups of representatives from equality bodies (Equinet Members).

- The first round of discussions engaged with Members from the following countries: Slovakia, Sweden, Slovenia, Norway, Luxemburg, Czech Republic, Croatia, Macedonia, Belgium, Serbia, and Malta.
- The second round of discussions involved other Member representatives from: Austria, Luxemburg, Italy, Portugal, Belgium, Ireland, Spain, Denmark, Albania, Netherlands, Sweden and Finland.

The group sessions were opened by Evelyn Collins introducing the main issues and objectives. Following a tour-de-table presentation, Evelyn Collins invited Andreas Stein to present the perspective and the work of the European Commission DG Justice as a context for the group discussions on the topic of standards for equality bodies.

Introduction

Key issues highlighted from the perspective of the European Commission relating to standards for equality bodies were framed on three levels: legal assessment of existing standards, a micro-policy perspective and a macro-policy perspective.

1. Legal Assessment of existing standards

- DG Justice is primarily monitoring whether the existing legislation in the field is appropriately applied. The assessment of legal application process (leading if necessary/appropriate to EC pilot letter, letter of formal notice, infringement) can open opportunity to get some standards established by the Court.
- Awareness of low levels of existing standards in current EC Directives and their formulation relating to equality bodies.
- Equality bodies not alone in EU acquis, closest point of reference would be in the Data Protection area where in related legal formulation authorities simply have to *be independent*.

2. Micro-policy perspective

- Raise awareness of importance of standards through various references to equality bodies' issues across reports, policy and legal documents.

3. Macro-policy perspective

- Context of new Commission and multi-layered political process. Priorities and decisions set by Cabinets and to be seen how broad or restrictive the new Commission will be in its work and approach to the implementation of EC work programme (e.g. adopted mid Dec 2014).

Group discussions

Subsequent exchanges with the representatives from equality bodies followed and raised points and issues in relation to challenges faced by equality bodies and the need for support and peer learning:

- In some countries, it is not possible for equality bodies to be independent from the government and hence to carry out their tasks truly independently.
- Many Equality Bodies exist thanks to the need for minimum compliance with EC Directives and tend to face and experience significant budget cuts by governments (which cannot close them... "we exist because we have to", examples mentioned of other inter/national funding search through external projects work as a result).
- Lack of transparency and of ability to guarantee political independence remain key issues relating to appointment procedures of the Head / Board of an equality body. There should proper accountability of the Head or the Board of equality bodies, freedom to choose their staff, functional and political independence.

- Another side of the coin lies with the risk of administrative burden resulting from full independence. Granting more independence to some equality bodies (fully detaching them from ministry) can also create high additional administrative burden on these bodies (managing more administrative/financial tasks), which if not accompanied by adequate resources can also risk to alienate work from core activities and shrinking on substance work.
- There are important structural issues in the work of equality bodies: underreporting, structural discrimination or the lack of effective and working sanctions.

Possible ideas and recommendations relating the need for European standards to support the work, independence and effectiveness of equality bodies were also shared in the discussions:

- EU Data protection mechanisms are an interesting reference to explore.
- Legal wording does matter and has the potential to make a difference. Both functional and political independence of the legal structures from the government must be ensured.
- Another relevant reference lies with Article 33.2 on independent mechanisms of the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Paris Principles. By ratifying the UN CRPD, the EU could extend the approach and treat other discrimination grounds at the same level as disability, thereby broadening the standard.
- A type of accreditation principle for equality bodies in EU context could be an interesting way to push Member States to take the issue seriously, engaging effective international reputation interest and providing a sharper saw to EU law monitoring systems and institutions. Principles and procedures comparable to that of NHRI status under Paris Principles could be an interesting area to explore.
- Primary function of providing effective assistance to victims and right/access to remedies and courts must remain at the centre of priorities of work and effectiveness of equality bodies. A functioning system of remedies is essential, including ensuring to 'have tooth' through effective compensation and sanctions.
- Another interesting reference / avenue to explore is relating to the functioning of the judiciary and standards for its independence, taking a broader view on the judiciary and access to justice (to include equality bodies).
- Need to strengthen the role of equality bodies and human rights structures. As watchdogs for equality (implementation of EU legislation and treaties) on the ground, equality bodies are natural partners for the European Commission and could truly benefit from a future EC policy document (e.g. Communication, Recommendation) on standards for equality bodies. Such policy document on standards would need to address issues of independence, procedures of appointment and accountability of head and board/management, etc.
- The Equinet cluster on Standards for Equality Bodies to be initiated in 2015 could gather information on concrete examples and issues; support contribution and cooperation from different perspectives in the field of standards for equality bodies.

Discussion Group 2: Towards a comprehensive EU Equal Treatment legislation framework

Facilitator: Anna Błaszczak, Equinet Board member

Equinet Secretariat support person: Ilaria Volpe, Equinet Policy Officer

Summary notes of the discussions:

Discussion Group discussed key pending EU legislative proposals (such as the 'Horizontal Directive', the Maternity Leave Directive and the Women on Corporate Boards Directive) and the potential role and implications for equality bodies. The group contemplated as well the potential role of equality bodies in breaking the political deadlock around these proposals.

After the tour de table and a short introduction, the Facilitator asked some questions:

- What are the experiences of equality bodies in the areas covered by these proposals? Is legislation needed in the field? What are the experiences in countries where similar legislation is already in place at the national level?
- How could equality bodies contribute to breaking the deadlock around these proposals? How could Equinet support you? Are there any tools you would need the Secretariat to prepare?

➔ Group 1 included representatives from Georgia, Denmark, Albania, Malta, France, Portugal, Spain, Cyprus, Sweden, Finland, Romania, UK-Great Britain

➔ Group 2 included representatives of Austria, UK-Great Britain, Cyprus, Croatia, Denmark, Luxembourg, Slovakia, Czech Republic, Norway and Lotta from the EC

1. What are the experiences of equality bodies in the areas covered by these proposals? Is legislation needed in the field? What are the experiences in countries where similar legislation is already in place at the national level?

Participants to the discussion groups showed consensus on the need to have strong legal protection, and on the need to have the three directives approved. The **Horizontal Directive was indicated as the priority**. The importance of having EU legislation was underlined, not only for countries having gaps in their legislation but also for countries where the protection already covers the scope of the Horizontal Directive. This will make sure that there is no going backward possible at national level, that **EU legislation will work as a safety net**, add expertise to judges and increase legal strength. The Horizontal Directive would also allow for equality bodies only covering race or gender to be given a mandate on other discrimination grounds.

2. How could equality bodies contribute to breaking the deadlock around these proposals?

Several equality bodies have been in contact with their government and/or the representatives in the Council, sometimes having been asked to provide their feedback, sometimes proactively advocating and making recommendations. The equality body in the Czech Republic just drafted a letter to the Prime Minister asking about their position on the Women on Boards and on the Horizontal Directives. They also sent a letter to Commissioner Jourova. They used the argument that 'you are denying people in other countries the rights that exist in the Czech Republic, but this includes Czechs abroad'. The Great Britain equality body has produced evidence on the benefits of equality legislation. One participant attended Council working party meetings as an expert. It has been difficult for some participants to get a follow-up from the government on the feedback provided by the equality body.

When asked if they would find it inappropriate, for independence reasons, to actively contact the government on this topic without being previously contacted by them, all the **participants** (of group 1) **agreed that it would not be a problem**. The representative of a quasi-judicial equality body in group 2 considered that it could be a problem for them. One participant underlined that NEBs have a direct responsibility to inform people of missed opportunities for increased protection due to non-approval by governments. One participant underlined that it is a specific duty of equality bodies in Europe to aim to break the deadlocks

3. How could Equinet support you? Are there any tools you would need the Secretariat to prepare?

The participants agreed that Equinet could let equality bodies know where the deadlocks are and share information on the negotiations. The need to be quick and take advantage of current momentum was underlined. It would be a good idea to collect evidence from different countries to show why legislation is important, and which content this directive should have. Equinet could also facilitate the exchange of information between equality bodies that are more or less informed (e.g. by sharing the Czech letter or information on the Norwegian legislation on Women on Board).

Discussion Group 3: Equality Bodies, the EU 2020 Strategy and EU funds

Facilitator: Niall Crowley, Board Advisor

European Commission discussant: Gesa Böckerman, DG Justice, Unit D2 (Gender Equality)

Support person from the Equinet Secretariat: Yannick Godin, Finance and Administration Officer

Summary notes of the discussions:

Niall Crowley introduced the workshop by reminding participants of the results of the survey of Equinet members on their involvement in Europe 2020 strategy and the European Structural and Investment Funds. Six out of 23 respondents reported some involvement in the Europe 2020 strategy. Looking to the future 16 equality bodies said they would become involved. Nine out of 23 respondents reported some involvement in the European Structural and Investment Funds. Looking to the future 13 equality bodies said they would become involved.

Gesa Boeckerman, from DG Justice D2, gave an overview of recent developments regarding Europe 2020 and the European Structural and Investment Funds. She identified progress in the Europe 2020 strategy with 14 of last year's Country Specific Recommendation referring to gender, 5 referring to Roma, and some on migrant issues. She emphasised the need for an economic argument to get a focus on the different grounds in Europe 2020. She pointed out that the investment priorities for the ESF include non-discrimination and equality. She queried why so few equality bodies were involved in the planning and implementation processes for the European Structural and Investment Funds given the requirement in the regulations to include equality bodies.

A range of issues were addressed in the subsequent debates:

- Equality bodies need to develop a strategy for their involvement in these areas. This requires access to information. Equinet could help with this. It could involve identifying what the equality body could achieve by involvement in these fields.
- Equality bodies identified a concern about resources and the decisions that had to be made in the light of limited resources as to the level of involvement they could give to the European Structural and Investment Funds.
- The level of involvement in European Structural and Investment Funds can be less than originally thought. The key challenge is to be informed, participate in relevant meetings, and be ready to ask the awkward questions on equality and non-discrimination. Participation in the monitoring committees for Member State Operational Programmes is useful. It can be a route to have policy influence that is backed up by the EU regulations. This participation can support a mainstreaming of equality and non-discrimination.

- There are opportunities for equality bodies in looking to the partnership code of conduct and seeking technical assistance under the European Structural and Investment Funds on foot of this to support their involvement. Arguments could be developed for financial assistance to aid participation. The capacity building of partners is a focus in the regulations, particularly in relation to the ESF.
- Equinet has made a submission on the mid term review of Europe 2020 and will shortly publish a document on equality body involvement in Europe 2020. This will also reference the European Structural and Investment Funds. It would be helpful if the next period of Europe 2020 had a deeper focus on equality and non-discrimination. However, it was also pointed out that there is a focus on equality and non-discrimination in the current strategy that has served to make progress on these issues.
- Equality bodies are interested to engage with the Europe 2020 process. This could start by looking at the Country Specific Recommendations already made to their country and seeing if they could engage with the responses to these recommendations. Country Specific Recommendations with an equality focus can be a lever for equality bodies to use in their policy work.
- The Annual Growth Survey to be presented in March 2015 could serve as the entry point for an engagement in Europe 2020 by equality bodies. Equality bodies could develop a commentary on the material presented.
- The preparation of National Reform Programmes by the Member States presents another opportunity for equality bodies to get involved at this level and to bring a focus on equality and non-discrimination to bear in this process.
- Getting information to enable participation is a problem. Equinet could serve as a communication hub to support equality body participation in these fields. Expertise can be lacking for equality bodies. Training could be provided to support capacity. A seminar to discuss equality body activities in these fields would be helpful.

Discussion Group 4: Third Party Interventions before the ECtHR

Facilitator: Michiel Bonte, Equinet Executive Board member

Support person from the Equinet Secretariat: Tamás Kádár, Equinet Policy Officer

Summary notes of the discussions:

This group discussed the Equinet pilot initiative for monitoring case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the EU (CJEU) and, if appropriate, submitting third-party intervention(s) to the ECtHR on behalf of Equinet. The pilot initiative was introduced by Tamás Kádár, Equinet Senior Policy Officer in the plenary session preceding the discussion group session.

The discussion group was chaired and moderated by Michiel Bonte, Equinet Executive Board member from the Belgian Interfederal Centre for Equal Opportunities. The Chair kicked off both rounds suggesting two key areas for discussion: procedural issues around the pilot project and priority areas and practical questions.

An overwhelming majority of participants in both rounds of the discussions expressed their support for piloting this initiative. Some participants shared that they have gained some experience with ECtHR procedures while working for other organisations (OSCE or NGOs). This knowledge can be particularly useful for the pilot initiative.

A number of **strengths and advantages** of the pilot initiative were mentioned, such as:

- Comprehensive reports about the situation in a large number of countries
- Providing an interesting (indirect) tool to influence case law and legislation particularly for equality bodies that do not have a competence to go to court
- Potential to get to structural issues, beyond individual cases
- Embedding equality issues and a non-discrimination focus more in ECtHR case law and jurisprudence. (In many cases the ECtHR only addressed the substantive right and ignored Article 14. They sometimes seem to avoid looking into discrimination issues and Equinet could contribute to a change in this.)

Case monitoring can help Equinet and equality bodies to stay up to date with what's happening in Europe

While supporting the initiative, some participants raised a few **concerns and questions**. Some of these relate to the practicalities:

- Very ambitious initiative
- Difficulty of selecting the right cases for intervention
- Different mandates and competences of different equality bodies
- Difficulty of rapid decision-making in a large membership organisation
- Feasibility within the limited timeframe available

- Potential backlash for equality bodies if States would 'sanction' them for supporting (even tacitly) an Equinet intervention that goes against their interests
 - Potential veto by members that are perhaps less independent
 - Workload of the Secretariat
- Equinet might be subject to intensive lobbying by representative organisations and it might be pressed to intervene in specific cases

On the other hand, some participants also raised concerns relating to the mandate and legal basis, pointing out that the legal basis and background for equality bodies is EU law and the EU directives and not the European Convention on Human Rights and other Council of Europe legal documents. Some participants found that pursuing this initiative would be closer to the nature of a network of NHRIs. Some participants questioned whether this initiative should be a priority now or whether Equinet should focus its energy on extending protection at EU level.

Other participants saw a great potential in looking at Human Rights through an equality lens and influencing the Human Rights agenda using equality principles and reasoning.

At the end of the day, participants agreed that the procedures provide enough checks and balances. This pilot initiative is also a good way to learn about how Equinet can deal with internal processes and the diversity of members and contribute substantially to embedding equality in ECtHR case law and enhancing the standing of equality bodies and Equinet.

Finally, participants contributed with some specific ideas for the way forward:

- Equinet should start by specifying the areas for intervention. For the pilot, it should only be a few areas
- Equinet should look into a case that concerns an area that is covered by the EU directives
- Focus on positive obligations under the ECHR
- One of the priorities could be cases that fall into the remit of the Horizontal Directive, thereby pushing the governments to accept the Horizontal Directive
- As a particular topic for intervention, a case on religion was suggested where the German court ruled against discrimination and thus only ECtHR can be a further avenue.

ANNEX 4

EU PRIORITIES ON EQUALITY AND NON-DISCRIMINATION AND THE CONTRIBUTION OF EQUALITY BODIES

(attached)