Developing standards for Equality Bodies

KEY MESSAGES FROM THE EQUINET 2016 WORKING PAPER

Why Standards for Equality Bodies?
EU Directives require all EU Members States, accession countries and EEA countries to designate an equality body for the promotion of equal treatment. However, they only provide minimum standards and do not guarantee complete independence, effectiveness, sufficient powers and adequate resources for equality bodies.

Standards are needed to:
• Ensure that equality bodies can implement all of their functions and powers to a scale that can achieve an impact
• Protect them from being undermined or diminished in the exercise of their functions

OVERVIEW - A FRAMEWORK FOR STANDARDS

MANDATE
Standards need to secure a mandate that covers:
• Equality, diversity and non-discrimination
• Public and private sectors and the fields of employment, vocational training, goods and services, education, housing, social protection and social advantages
• All Treaty grounds (article 19), multiple discrimination and article 21 of the EU Charter of Fundamental Rights

INDEPENDENCE
Standards need to secure complete independence, including:
• Own legal personality and stand-alone structure
• A governance structure reflecting diversity of people and social forces in society with all leadership positions appointed through a transparent and independent procedure
• Systems of accountability ensuring independence
• Absence of external pressure and undue interference

EFFECTIVENESS
Standards should address and secure:
• Adequate financial, staff and physical resources
• General powers, such as: commissioning and conducting research, making recommendations, conducting general investigation, challenging domestic legislation...
• Specific powers to underpin promotional-type functions
• Specific powers to underpin tribunal-type functions

Any expansion of the mandate of equality bodies should be coherent with the original mandate and involve the allocation of adequate resources.

INSTITUTIONAL ARCHITECTURE
• When separate equality bodies are established in one country, linkages should be created to ensure coherence
• Overall national institutional architecture should include tribunal type and promotional type functions
• Where equality bodies have their mandates combined with other bodies (e.g. NHRIs), standards should ensure a coherent legal basis and adequate resources
• Equality bodies should be the first step for those seeking to make a claim of discrimination within accessible and coherent pathways for access to justice
• Equality bodies should be enabled to give leadership in and support the wider infrastructure to promote equality

For more information: www.equineteurope.org