

# 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](http://www.equineteurope.org)**