

EQUINET PROJECT ON STANDARDS FOR EQUALITY BODIES
MANDATE – INDICATORS

1. Grounds and fields covered

In the conditions created for the equality body:

1.1. The institution is designated as an equality body and its mandate is defined by constitutional provision or legislation (c.f. Commission Rec. Preamble (11) and ECRI GPR 2 I.1. and II.7.)

- Yes, by constitution**
- Yes, by legislation**
- Neither of the two**

Explanation/reference:

1.2. The mandate of the equality body or equality bodies in the country cover all discrimination grounds included in Article 19 of the Treaty on the Functioning of the EU (TFEU).

- Yes**
- No**

Explanation/reference:

1.3. The mandate of the equality body or equality bodies in the country cover all of the areas of employment and occupation, access to and supply of goods and services, education, social protection and social advantages as regards both the public and private sectors (c.f. Commission Rec. 1.1.1 (2) and ECRI GPR 2 I.4.)

- Yes**
- No**

Explanation/reference:

1.4. The mandate of the equality body or equality bodies in the country cover hate speech related to all the grounds and areas mentioned in 1.2. and 1.3. (c.f. Commission Rec. 1.1.1. (2) and ECRI GPR 2 I.4.)

- Yes**
- No**

Explanation/reference:

In the conditions created by equality bodies:

1.5. The equality body demonstrates activity across all areas and all grounds covered by its mandate as defined in 1.2. and 1.3. above.

- Yes
- No

Explanation/reference:

1.6. The equality body demonstrates an appropriate internal structure and an appropriate focus on each part of the mandate and on each ground covered and the intersections with all grounds mentioned in 1.2. (c.f. Commission Rec. 1.1.1. (3) and ECRI GPR 2 II.6.)

- Yes
- Partly
- No

Explanation/reference:

2. Focus on each part of the mandate

In the conditions created for equality bodies:

2.1. If the equality body is part of a multi-mandate institution, there is a levelling up of powers across all mandates to enable coherent and integrated focus on each part of its mandate.

- Yes
- No

Explanation/reference:

In the conditions created by equality bodies:

2.2. If the equality body is part of a multi-mandate institution, the institution allocates human and financial resources to the equality mandate that enable effective fulfilment of all elements of this mandate (c.f. Commission Rec. 1.1.1 (3) and ECRI GPR 2 II. 7.)

- Yes
- No

Explanation/reference:

3. Independent assistance (c.f. Commission Rec. 1.1.2. and ECRI GPR 2 V.)

In the conditions created for equality bodies:

3.1. The equality body is accorded the competences to receive individual and collective complaints and provide free assistance, including legal assistance to victims of discrimination

- Yes
- Partly
- No

Explanation/reference:

3.2. The equality body is accorded the competence to engage in mediation and/or conciliation activities

- Yes**
- No**

Explanation/reference:

3.3. The equality body's powers enable it to effectively gather evidence in its procedure

- Yes**
- No**

Explanation/reference:

3.4. The equality body is accorded the competence to have legal standing before the courts by representing complainants.

- Yes**
- No**

Explanation/reference:

3.5. The equality body is accorded the competence to have legal standing before the courts by acting as amicus curiae or expert.

- Yes**
- No**

Explanation/reference:

3.6. The equality body is accorded the competence to have legal standing before the courts by bringing proceedings in its own name.

- Yes**
- No**

Explanation/reference:

3.7. The equality body is accorded the competence to have legal standing before the courts by intervening in support of a party.

- Yes**
- No**

Explanation/reference:

In the conditions created by equality bodies:

3.8. The equality body has established effective and accessible procedures to receive and process complaints.

- Yes**
- No**

Explanation/reference:

3.9. The equality body regularly and effectively uses its legal standing before courts by representing complainants.

- Yes**
- No**

Explanation/reference (please mention regularity):

3.10. The equality body regularly and effectively uses its legal standing before courts by acting as amicus curiae or expert.

- Yes**
- No**

Explanation/reference (please mention regularity):

3.11. The equality body regularly and effectively uses its legal standing before courts by bringing proceedings in its own name.

- Yes**
- No**

Explanation/reference (please mention regularity):

3.12. The equality body regularly and effectively uses its legal standing before courts by intervening in support of a party.

- Yes**
- No**

Explanation/reference (please mention regularity):

3.13. The equality body engages in strategic litigation based on published selection criteria

- Yes**
- Partly**
- No**

Explanation/reference:

4. Decision-making function

In the conditions created for equality bodies:

4.1. If vested with a decision-making function, the equality body is empowered to issue legally binding decisions that may include adequate, effective and dissuasive sanctions (Commission Rec. 1.1.2 (3) and (5) and ECRI GPR 2 VI. 17.)

- Yes**
- Partly**
- No**

Explanation/reference:

4.2. If vested with a decision-making function, the equality body is empowered to issue non-legally binding decisions that may include recommendations to solve the discriminatory situation (Commission Rec. 1.1.2 (3) and (5) and ECRI GPR 2 VI. 18.)

- Yes**
- Partly**
- No**

Explanation/reference:

4.3. Proceedings before the equality body suspend the time limits for the initiation of court proceedings for the same complaint (ECRI GPR 2 VI. 20.)

- Yes**
- No**

Explanation/reference:

In the conditions created by equality bodies:

4.4. The equality body ensures follow-up of the implementation of its decisions (Commission Rec. 1.1.2 (3) and ECRI GPR 2 VI. 17-18.)

- Yes**
- No**

Explanation/reference:

4.5. If the equality body combines decision-making and other independent assistance functions, different staff and structures are responsible for each function and adequate resources are provided for each function to be effectively implemented (ECRI GPR 2 III. 11.)

- Yes**
- Partly**
- No**

Explanation/reference:

5. Independent surveys and reports (data collection)

In the conditions created for equality bodies:

5.1. The equality body is accorded competences to conduct surveys and pursue research activities.

- Yes**
- No**

Explanation/reference:

In the conditions created by equality bodies:

5.2. The equality body regularly conducts surveys yielding equality data across all areas and all grounds covered by its mandate as defined in 1.2. and 1.3. above with their results published (Commission Rec. 1.1.2 (7) and ECRI GPR 2 IV.)

- Yes**
- No**

Explanation/reference:

5.3. The equality body regularly conducts research into issues of equality and discrimination across all areas and all grounds covered by its mandate as defined in 1.2. and 1.3. above with their results published (Commission Rec. 1.1.2 (8)-(9) and ECRI GPR 2 IV.)

5.4.

- Yes**
- No**

Explanation/reference:

6. Advisory function

In the conditions created for equality bodies:

6.1. The equality body is consulted systematically through timely and transparent procedures on all policy and legislative proposals and developments that impact on equality and non-discrimination for any of the grounds covered by its mandate (Commission Rec. 1.3 (2))

- Yes**
- No**

Explanation/reference:

6.2. The equality body regularly issues recommendations to public authorities on legislation, policy, procedure, programmes and practice and the proportion of these where it is informed by public authorities about the follow-up given to its recommendations (Commission Rec. 1.1.2. (10) and ECRI GPR 2 IV.)

- Yes**
- No**

Explanation/reference (please mention proportion where informed about follow-up):

6.3. Possibility to submit reports to parliament about equality issues and effective process for follow-up and response to recommendations made in this report.

- Yes**
- No**

Explanation/reference:

In the conditions created by equality bodies:

6.4. The equality body has an established practice of consultation with those affected to inform recommendations made in relation to legislation, policy, procedure, programmes and practice.

- Yes**
- No**

Explanation/reference:

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It is recognised that the adequacy of resources is central to the conditions created for equality bodies and to enabling equality bodies to fulfil indicators for conditions created by equality bodies. Resource indicators will be developed in a next stage of this process. Similarly, indicators for training, communication and awareness-raising work will have to be identified in the next stages of this process.