

**EQUINET PROJECT ON STANDARDS FOR EQUALITY BODIES**  
**INDEPENDENCE – INDICATORS**

**1. Legal framework**

**In conditions created for the equality body**

1.1 The office holding the equality body mandate is a separate legal entity/has its own legal personality.

- Yes
- No

Explanation/reference

1.2 The equality body is subject to instructions directly or indirectly from the Government.

- Yes
- No

Explanation/reference

1.3. The equality body's independence in the performance of its functions is legally guaranteed/ provided for in law.

- Yes, in constitution
- Yes, in legislation
- No

Explanation/reference

1.4 The functions, competences and powers of the equality body are safeguarded by law.

- Yes, in constitution
- Yes, in legislation
- No

Explanation/reference

1.5 There have been cases of removal of relevant competences and powers from the equality body.

- Yes
- No

Explanation/reference

1.6 There are legal provisions for funding, in a manner that ensures independence and effectiveness of the equality body.

- Yes
- No

Explanation/reference

1.7 The equality body is subject to public service laws, and to the financial accountability and expenditure rules that apply to public authorities.

- Yes
- Partly
- No

Explanation/reference

1.8 There have been cases of threats or campaigns by state authorities or politicians against the equality body, its leaders or staff.

- Yes
- No

Explanation/reference

1.9 The equality body has the power to recruit, appoint and dismiss its own staff in line with applicable labour or civil service laws.

- Yes
- No

Explanation/reference

1.10 When the equality body's annual or other reports are discussed and debated by the Parliament and Government those are subject to approval, the lack of which may lead to negative/disciplinary action.

- Yes
- Partly
- No
- N/A (e.g. annual report not subject to approval)

Explanation/reference

1.11 The equality body has the ability to manage and to decide independently on its own internal structure.

- Yes
- Partly
- No

Explanation/reference

1.12 The equality body has the ability to manage and to decide independently on its work plan.

- Yes
- Partly
- No

Explanation/reference

## **2. Independence in the carrying out of functions**

### **In the conditions created for equality bodies:**

2.1 The equality body has the ability to carry out all its functions without any undue interference and/or instructions from the State, political parties or other actors.

- Yes
- No

Explanation/reference

2.2 The equality body has the right to make public statements and produce and publish research and reports without prior permission from, approval by or notification to Government or any other institution or external party.

- Yes
- No

Explanation/reference

**In the conditions created by equality bodies:**

2.3 The equality body has mechanisms or practices in place to enable the sustained involvement of all relevant stakeholders, particularly civil society organisations.

- Yes
- No

Explanation/reference

**3. Budget and resources**

**In the conditions created for equality bodies:**

3.1 The equality body receives adequate human, technical and financial resources to fulfil its mandate effectively.

- Yes
- No

Explanation/reference

3.2 The equality body has received additional mandate, functions and/or powers without adequate additional resources supporting these.

- Yes
- Partly
- No

Explanation/reference

3.3 The equality body has the ability to manage and to decide independently on its management of financial and human resources.

- Yes
- Partly
- No

Explanation/reference

3.4 The equality body has a separate budget, with a separate line or an adequate earmarked amount for the equality mandate in case of multi-mandate institutions, annually approved by Parliament, with safeguards against arbitrary or disproportionate reductions.

- Yes
- Partly
- No

Explanation/reference

3.5 The equality body is able to identify and occupy its own premises that corresponds to its needs.

- Yes
- Partly
- No

Explanation/reference

3.6 The equality body's budget has remained commensurate with its tasks and the workload over the past 5 years, without arbitrary or disproportionate reductions.

- Yes
- No

Explanation/reference

3.7 The equality body has the right to raise additional funds, in and outside the country, in a way that does not compromise the equality body's independence.

- Yes
- No

Explanation/reference

#### **4. Leadership positions**

##### **In conditions created for the equality body**

4.1 Appointment: The selection and appointment of persons holding leadership positions is transparent, competency-based and follows participatory procedures taking into account gender balance and diversity in society.

- Yes
- Partly
- No

Explanation/reference

4.2 There is a legal prohibition on individuals from engaging in any activities and affiliations incompatible with their duties in holding leadership positions in the equality body.

- Yes
- No

Explanation/reference

4.3 There is functional immunity for persons holding leadership positions and safeguards against arbitrary dismissal or arbitrary non-renewal.

- Yes
- No

Explanation/reference

4.4 The length of the mandate for persons holding leadership positions or members of a board of an equality body is set out in legislation, adequate, and takes into account the possibility of renewal of the mandate or lack thereof.

- Yes
- No

Explanation/reference

4.5 There are rules in place to avoid extended vacancies between two leadership mandates.

- Yes
- No

Explanation/reference

4.6 In case of vacancies between two leadership mandates there are transitional provisions ensuring the regular functioning, independence and effectiveness of the equality body.

- Yes
- No

Explanation/reference

4.7 The remuneration for leadership positions within the equality body is suitable and is comparable with remuneration provided for leadership positions in similar public bodies in the country.

- Yes
- No

Explanation/reference

**In conditions created by the equality body**

4.8 Staff, senior management and advisory bodies in the equality body reflect the diversity of society and are gender balanced.

- Yes
- Partly
- No

Explanation/reference