



**Equality Planning: Purpose,
Potential and Experience**
*Case Studies From the Work of
Equality Bodies*

by Niall Crowley

Equality Planning: Purpose, Potential and Experience. Case Studies from the Work of Equality Bodies is published by Equinet, European Network of Equality Bodies. Equinet brings together 47 organisations from across Europe which are empowered to counteract discrimination as national Equality Bodies across the range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation.

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*This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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ISBN 978-92-95112-65-0 (Online)

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Acknowledgements

This publication was prepared with the contribution of six equality bodies who submitted case studies on their work on equality supporting equality planning.

Contributing Equality Bodies

Institute for the Equality of Women and Men, **Belgium**; Non-Discrimination Ombudsman, **Finland**; Ombudsman for Equality, **Finland**; Commission for Citizenship and Gender Equality, **Portugal**; Commission for Equality in Labour and Employment, **Portugal**; Institute of Women, **Spain**.

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1. Introduction

This publication emerges from the work of Equinet’s member Equality Bodies participating in its Cluster on Equality Mainstreaming. The cluster operates to draw from the considerable experience and expertise of Equality Bodies in promoting the development and implementation of equality mainstreaming at national level, to inform policy developments and policymaking in relation to such systems, and to inform peer support and peer learning across Equality Bodies on such systems.





The cluster was established at a point where the European Commission, through its various equality strategies, has emphasised the importance and value of equality mainstreaming in advancing goals of substantive equality. This provides a valuable context within which to offer an Equality Body perspective on how most effectively to implement such equality mainstreaming.

The cluster in its previous work has examined the use of equality duties and equality impact assessments for equality mainstreaming. This was published as a Compendium on Equality Mainstreaming.¹

The present publication draws from the experience and expertise of Equality Bodies in relation to equality planning as an approach within equality mainstreaming systems. It sets out case studies of equality planning in four Member States that have been prepared by six Equality Bodies that are members of the cluster.

This publication further draws from the debates at an Equinet Conference on equality planning, hosted in 2022 in Lisbon, Portugal, in collaboration with the Portuguese Commission for Citizenship and Gender Equality and High Commission for Migration². This Conference explored how all relevant actors can cooperate and better promote equality planning to tackle discrimination across the protected fields and grounds.

The objective in publishing these case studies is to:

-  establish and increase awareness of the potential in equality planning;
-  inform the work of Equality Bodies in supporting equality planning within public and private institutions;
-  inform the work of public authorities and private actors in implementing equality planning; and
-  inform the work of European level and national level authorities in creating the legal and policy conditions for effective equality planning.

¹ Equinet Cluster on Equality Mainstreaming (2021) [Compendium on Equality Mainstreaming: the Use of Equality Duties and Equality Impact Assessments](#), Brussels, Equinet.

² Equinet Conference Report (2022), [Equality Bodies Supporting Equality Planning](#), Brussels, Equinet, Commission for Citizenship and Gender Equality, and High Commission for Migration.



2. Equality Planning

An equality plan sets out the objectives that an organisation seeks to achieve across all its functions, in relation to equality, diversity and non-discrimination, and the concrete measures through which these objectives are to be achieved.

As set out in the template completed for the case studies by the equality bodies³, this broad term of equality plan can include other similar terms, such as diversity plans, integration plans, or equal opportunities plans and programs. This does not include national level action plans on equality as it focuses on plans developed by individual organisations. It doesn't include individual, isolated measures taken by an organisation that do not add up to a systemic plan.

Adopting an equality plan may be compulsory for public and/or private sector organisations to comply with statutory equality duties, but may also be the result of a positive decision by the organisation. It typically covers their functions as an employer, but may also cover their functions as a provider of goods and services understood broadly. Equality plans may be horizontal covering all grounds, or focusing on one or some grounds.

Equality planning starts from a diagnosis of the situation of equality, diversity and non-discrimination within the organisation and in relation to its operations. Based on this diagnosis equality planning then involves establishing goals or objectives to give direction and ambition to the pursuit by the organisation of equality, diversity and non-discrimination outcomes.

Concrete and actionable measures are then identified in relation to each goal or objective established, together making up a strategy sufficient to secure progress in relation to these objectives. These measures address staff and those affected by the operations of the organisation from across the various discrimination grounds, and their intersections, which are covered by the equality plan. Finally, equality planning involves regular monitoring and evaluation of the implementation of equality plans.

Equality planning requires leadership at a senior level within an organisation. It needs the commitment of human and financial resources for its development and implementation. It calls for capacity building initiatives to ensure the necessary awareness and skills among staff for successful development and implementation of the equality plan.

Equality planning should be evidence based. This is enabled by the diagnosis of the situation of equality diversity and non-discrimination within the organisation and in relation to its operations, undertaken as a first step. Such diagnosis requires equality data and effective organisational systems to gather and analyse such data. Limitations in such data systems do not preclude equality planning, but it is important that data systems are evolved over time to underpin effective equality planning.

Equality planning should be participative in involving staff and stakeholders, in particular those representative of the discrimination grounds addressed in the equality plan. This participation should cover the design, implementation and monitoring of equality plans. It requires building bridges and fostering cooperation with a range of other actors, in particular those organisations that are representative of group from across the discrimination grounds. Such participation is a key source of knowledge and information to shape an equality plan, and it is even more particularly important where there are limited equality data systems.

Equality planning is a process with significant potential for preventing discrimination, recognising diversity, and achieving equality both within an organisation and within the wider society served by or impacted on by that organisation.

³ See Appendix for complete template.

Effective equality planning by an organisation can:

- enable leadership and secure a priority focus for its ambitions and considerations of equality, diversity and non-discrimination in its work and functions;
- establish and give expression to shared purpose and goals, across all levels and within all parts of an organisation, in the manner in which such ambitions and considerations are framed and pursued;
- enhance experiences of and outcomes for the diversity of staff within the organisation and the diversity of society served or impacted on by the organisation; and
- build positive morale within an organisation on the basis of a safe and inclusive working environment and of common goals and aspirations for a better society.



3. Equality Duties for Planning

Equality planning can be (as it is in a number of Member States) a form of statutory equality duty. Such legislative provision makes it compulsory for public sector organisations to develop, implement and monitor equality plans. In some instances, the same duty applies to private sector organisations, sometimes with limits relating to number of employees. Where such statutory equality duties are in place, Equality Bodies have been noted as key in enabling and ensuring compliance.⁴

Such statutory equality duties are an important driver for establishing a tradition and a practice of equality planning across public and private sector organisations, and for realising the benefits that accrue from such a practice. Equality Bodies note that for such statutory equality duties to be effective, provision needs to be made for:

- clarity in relation to the steps required of an organisation in the development, implementation and monitoring of their equality plans;
- the establishment and monitoring of standards and the provision of guidance to meet such standards in relation to equality planning and its impact, to be provided by the Equality Body; and
- effective oversight and monitoring of compliance and application of sanctions in situations of non-compliance.

More broadly, effectiveness of such statutory equality duties requires initiatives to build the awareness of duty bearers of the benefits of equality planning, to underpin their understanding of the requirements in relation to equality planning, and to support the creation of the necessary conditions within organisations for effective equality planning.

Equality planning can also be a voluntary practice driven by organisational ethos or values or by an organisational concern for quality and impact. Engagement in national Diversity Charters can serve as a stimulus for such equality planning.

⁴ Crowley N. (2016), [Making Europe more equal: a legal duty?](#), Brussels, Equinet.



4. Equality Bodies and Equality Planning

Equality Bodies can be champions for equality planning. They can build awareness of the importance of equality planning for achieving equality and the benefits of equality planning for the organisations involved. They can mobilise public and private sector organisations to engage voluntarily in equality planning. They can promote the enactment of statutory equality duties to secure a tradition and a practice of equality planning across the public and private sectors.

Equality Bodies can also provide guidance and training on equality planning, bringing their expertise on equality, diversity and non-discrimination to bear in strengthening the capacity within sectors and/or specific organisations in relation to equality planning. They can enable networking and peer support among organisations involved in or interested in equality planning.

Equality Bodies can stimulate the creation of conditions necessary for effective planning. This can include strengthening capacities at an organisational level for:

- the collection and analysis of equality data to enable an evidence-based approach;
- stimulating dialogue and engagement with organisations representative of the discrimination grounds covered by the equality planning to enable a participative approach; and
- communicating good practices in equality planning as a source of guidance and stimulus.

Equality Bodies, where there is a statutory equality duty in place, can play key roles in:

- setting standards for their implementation and provision of guidance and support to meet such standards;
- monitoring compliance with the legislative requirements and the achievement of standards set, and
- enforcement where there are failures of non-compliance.

Finally, Equality Bodies can lead by example in developing, implementing, and monitoring equality plans that encompass the diversity of their staff and of those affected by their operations.

However, Equality Bodies require adequate mandates, powers, resources and sufficient independence to fulfil these roles in supporting equality planning. The proposed EU legislation for binding minimum standards for Equality Bodies should be an important turning point for their work and should thus create the conditions for further involvement in securing effective equality planning.



5. Case Studies

Case Study One: Institute for the Equality of Women and Men, Belgium

Legal duty

The Ordinance of 4 September 2008 of Brussels-Capital Region on the fight against discrimination and equal treatment in employment (which is currently being evaluated with a view to reform):

- requires the Brussels regional civil service to promote diversity and combat discrimination by way of a diversity plan. This addresses the employment functions of all organisations within the Brussels regional civil service, while the target groups are not specified; and
- provides for private sector employers, on a voluntary basis, to have diversity plans in place with regard to their place of business located on the territory of the Brussels-Capital Region.

The Framework Ordinance of 25 April 2019 requires the Brussels local civil service to ensure a diversity and anti-discrimination policy is in place. This too covers the employment functions of all organisations within the Brussels local civil service, while the target groups are not specified. An implementing decree has yet to be made available for this framework ordinance.

There are no sanctions established for failure to develop and/or implement a diversity plan.

The Diversity Service, a public service, offers incentives for private sector employers who voluntarily develop and implement a diversity plan, with: assistance from the Diversity Service's diversity consultants; granting of subsidies (co-financing €10,000); and awarding a diversity label to companies that develop and implement a diversity plan.

Other external actors available to support this work on diversity are:

- the regional coordination committee for diversity for the Brussels regional civil service; and
- the coordination body of good practices for diversity for the Brussels local civil service.

Equality planning

Two internal actors within the organisation are identified as key in contributing to the process of diversity planning. The first is a diversity manager, who would be the staff member responsible for monitoring the diversity plan. The second is a steering committee, that would assist the diversity manager.

The contents required for a diversity plan should include:

- an analysis of the company's diversity and anti-discrimination situation in: selection and recruitment; staff management; awareness raising and internal communication; and external positioning;
- a step-by-step plan with objectives and deadlines;
- description of the actions planned; and
- estimated operational resources to be deployed.

Equality Body mandate and role

The Institute for the Equality of Women and Men does not have a legal mandate to be involved in the development of these diversity plans.

The Equality Body does, however, collaborate with the external actors that play roles in relation to the implementation of the legal duty, offering its expertise on equality of women and men and, if necessary, providing advice and recommendations in this field. In this engagement, the Equality Body:

- participates on the regional coordination committee for diversity, which is responsible for coordinating the diversity actions of the Brussels-Capital Region's public institutions, including a role to propose priority objectives.
- participates in a working group for the creation of an employment observatory in the Brussels regional civil service.
- has participated on the steering committee for the evaluation and reform of the diversity policy in the Brussels regional civil service.
- has submitted its advice n° 2017-A/012 on diversity in the Brussels regional civil service, recommending, among others, the development of diversity monitoring in the Brussels regional civil service, and proposing essential indicators in the field of gender equality, and subsequently participated in the steering committee for the development of such diversity monitoring.

The Institute for the Equality of Women and Men provides training to personnel of the Brussels regional civil service institutions, including such as diversity managers, steering committee members, and HR department personnel. The training seeks to address gender-based discrimination in labour relations, covering topics such as: legislation to combat gender-based discrimination; transgender persons in the workplace; maternity and work; wage discrimination; and writing gender-neutral job offers. The Equality Body also participates in awareness-raising actions.

The Institute for Equality of Women and Men has a collaboration agreement with the Diversity Service since 2014, in relation to the voluntary diversity plans of private sector employers. In accordance with this, the Equality Body:

- provides training on gender equality in employment for its diversity consultants.
- provides consultancy on gender equality for its diversity consultants and the Council for Non-Discrimination and Diversity, which council makes proposals and stimulates reflection on non-discrimination and diversity in the labour market.
- participates in steering committees that develop tools to combat discrimination and promote diversity, including: e-div, an online tool for a diverse and inclusive work environment; and Discrino, a training programme and guide to combat discriminatory requests from employers.
- runs workshops on gender equality at awareness-raising events organised by the Diversity Service.

In the context of the Brussels local civil service, the Institute for the Equality of Women and Men submitted its advice n°2018-A/010 on a draft ordinance to ensure a diversity and anti-discrimination policy in the Brussels local civil service. The Equality Body gave a favourable opinion on the proposed legislative framework, which was then voted by the Brussels legislator. When the implementing decree for the framework ordinance is adopted, the Equality Body will participate on the coordination body of good practices for diversity in the local civil service.

Equality Body issues

The Institute for the Equality of Women and Men, as part of its mandate, assists people who feel they are victims of gender-based discrimination. The Equality Body must treat the request for assistance and assess the situation objectively and independently, without being influenced by whether the employer in question has implemented a diversity plan or received a diversity label. A distinction must therefore be made between the Equality Body's victim support tasks and its information and awareness-raising work.

As such, the Equality Body does not intervene directly with employers, evaluate diversity plans, monitor their implementation, nor award a diversity label. Its involvement is at a structural level, in collaborating with the bodies monitoring diversity policy.

Resources

Brussels Capital Region supports to employers and employees: <https://economy-employment.brussels/diversity>

Case Study Two: Non-Discrimination Ombudsman, Finland

Legal duty

The Non-Discrimination Act (1325/2014) imposes a duty on public authorities (Section 5), education providers (Section 6) and public and private sector employers (Section 7) to promote equality that requires them to prepare equality plans⁵.

There is generally no limitation for this duty to have an equality plan in terms of the number of employees for the public sector, however there are exceptions: the Lutheran church, the Orthodox church or a private actor which discharges public administrative functions and regularly employs fewer than 30 persons. In relation to the duty on private sector employers, this only applies if they have over 30 employees.

The grounds covered are: age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics. Intersectional discrimination is included. There is a separate duty with regard to the gender ground, including gender identity/expression (see Case Study Three).

The Non-Discrimination Act (Section 21) provides that the Non-Discrimination Ombudsman may bring a matter concerning neglect of the planning obligations provided for to the Non-Discrimination and Equality Tribunal. The Tribunal may require the party to take action within a reasonable time period to fulfil the obligations provided, and may impose a conditional fine to enhance its prohibition or order.

Equality planning

Public authorities must have an equality plan in place that covers the measures necessary for the promotion of equality. This plan is to be based on an evaluation of the realisation of equality in their activities with a view to defining and taking the measures necessary to promote the realisation of equality. The measures should be effective, expedient and proportionate, taking into account their operating environment, resources and other circumstances.

The Non-Discrimination Ombudsman has required that State Ministries, as part of this duty to promote equality, advise and supervise all the bureaus and authorities within their branch of administration, to ensure that these agents fulfil their obligation to promote equality, including having operational equality plans. The Equality Body has advocated and co-operated with Ministries so that they would include these requirements in their annual results-based management and steering policies within their administrative branch.

The Equality Body has further advocated that every authority should be aware of essential “other personal characteristics” concerning their activities. Relevant characteristics could, for example, include place of residence, homelessness or asylum seeker status

Education providers must have an equality plan in place that covers the measures necessary for the promotion of equality. Likewise, this involves evaluation of the realisation of equality in their activities and identification and taking the measures necessary to promote the realisation of equality. These measures should be effective, expedient and proportionate, taking account of their

⁵ See: [The Non-Discrimination Act \(1325/2014\)](#)

operating environment, resources and other circumstances. Education providers must enable pupils and their guardians and students or their representatives to be heard in fostering such measures.

Public and private sector employers, with over thirty employees, must have an equality plan in place that covers the measures necessary for the promotion of equality. This involves assessment of the realisation of equality in the workplace. Taking into account the needs of the workplace, employers must develop the working conditions and the methods to be complied with in the selection of personnel and in making decisions concerning personnel. These measures should be effective, expedient and proportionate, taking into account their operating environment, resources and other circumstances.

Employers must discuss these measures and their effectiveness with staff or their representatives. A staff representative that participated in the planning of non-discrimination measures or an occupational safety delegate, has a right to access information, on request, on what actions the employer has taken to promote equality in the workplace.

The Ministry for Justice has developed a tool for the assessment of the realisation of equality which is a step required under the Non-Discrimination Act for all three duty bearers: public authorities; education providers; and public and private sector employers. This tool provides guidance in advance to support the equality planning process by these duty bearers.

Equality Body mandate and role

The Non-Discrimination Ombudsman has mandate on advising public authorities, education providers, and employers on equality planning and to monitor this equality planning by public authorities and education providers, but not by employers. The Equality Body can refer instances of non-compliance to the Non-Discrimination and Equality Tribunal.

In relation to public authorities, the Non-Discrimination Ombudsman meets regularly with Heads of Office from Ministries. It expects that ministries monitor and give guidance to their offices as part of Ministries duty to promote equality. The Equality Body has drawn up indicators and checklists in order to make the task easier for ministries and other authorities and to make supervision by the Equality Body easier.

The Non-Discrimination Ombudsman has been a member of EU REC-project Yhdenvertaisuuden tekijät (Drivers of Equality) run by the Finnish Ministry of Justice over 2021-2022. The Equality Body is responsible for developing an online tool for Ministries' self-monitoring in their different administrative fields. The online tool is designed to collect qualitative data on how an authority is processing the equality planning. The online tool will make supervision more effective in giving access to data and statistics.

In June 2023, the Non-Discrimination Ombudsman is likely to be accorded a mandate on employment which includes the monitoring of equality planning by employers. In 2023, the Equality Body will start developing and modifying the tool to be able to monitor educational institutions and public and private sector employers.

The Equality Body complies with the Non-Discrimination Act and develops an equality plan as a public authority and as an employer covering all grounds including gender.

Equality Body issues

The Non-Discrimination Ombudsman views the obligation to prepare an equality plan in a systematic manner as a strong tool both for prevention of discrimination and for processing of discrimination situations.

The legislation, however, does not specify the frequency required for updating equality plans. There are no detailed provisions in relation to the assessment or evaluation required in initiating the planning. There is a concern that the equality planning obligation is approached by many organisations in a very technical manner. Equality plans are often too vague and effective results cannot be achieved by trying to interpret the plan's provisions. There is a lack of qualitative indicators for Ministries to follow the progress of equality planning in their field of administration. Cooperation with ministries or organisations that monitor these organisations within their administrative power has assisted.

Resources

Tool for the assessment of equality (Ministry of Justice): <http://yhdenvertaisuus.finlex.fi/en/>

Drivers of Equality project: <https://oikeusministerio.fi/en/project?tunnus=OM031:00/2021>

Case study Three: Ombudsman for Equality, Finland

Legal duty

The Act on Equality between Women and Men (609/1986) obliges employers to draw up a gender equality plan regarding personnel policy (Section 6)⁶. This is to be done every two years. The requirement applies to employers that regularly employ more than 30 people. The Act further obliges education providers to prepare an equality plan. This duty addresses the ground of gender (Section 5). Further provision in the Act sets out that this duty encompasses gender identity and gender expression (Section 6).

Employers and education providers may be ordered by the Non-Discrimination and Equality Tribunal, on foot of an application from the Ombudsman for Equality, to implement these duties subject to a financial penalty.

Equality planning

Employers are required to promote equality between women and men in working life in a purposeful and systematic manner. If an employer regularly has at least 30 employees, they must at least every two years prepare a gender equality plan.

The employer's gender equality plan should include an assessment of the gender equality situation in the workplace, including details of the employment of women and men in different jobs and a pay survey of all personnel, presenting the classifications of jobs performed by women and men, the pay for those jobs and the differences in pay. It should identify and set out the necessary measures planned for promoting gender equality and achieving equality in pay. There should further be included a review of the extent to which measures previously included in the gender equality plan have been implemented and of the results achieved. It should address the prevention of discrimination on the basis of gender identity and gender expression.

The gender equality plan is to be prepared in cooperation with the shop steward, the elected representative, the occupational safety and health representative or other representatives appointed by the employees. The staff representatives must have sufficient opportunity to participate in and influence the preparation of the plan and employees must be informed about the gender equality plan and any updates to it. The plan may be incorporated into a personnel and training plan or an occupational safety and health action plan.

Education providers should ensure that girls and boys as well as women and men have equal opportunities for education, training and professional development, and that teaching, research and instructional material support the attainment of the objectives of the Act. Education providers are responsible for ensuring that each educational institution prepares a gender equality plan.

The gender equality plan should include an assessment of the gender equality situation within the institution, identify the necessary measures to promote gender equality, and report on a review of the extent to which measures included in a previous gender equality plan have been implemented and the results achieved. Special attention must be given to pupil or student selections, the organisation of teaching, learning differences and the evaluation of study performance, and to measures to ensure the prevention and elimination of sexual harassment and gender-based

⁶ See: [Act on Equality between Women and Men \(609/1986\)](#).

harassment. It should address the prevention of discrimination on the basis of gender identity and gender expression.

The gender equality plan is to be prepared annually, which should be done in cooperation with staff and pupils or students. The plan may be incorporated into the curriculum or other plan drawn up by the educational institution. However, instead of an annual plan, it is possible to agree on a two- or three-year equality plan. In this case, the educational institution's needs and the measures included in the equality plan might require that measures to promote equality are carried out on a continuous basis.

Equality Body mandate and role

The Ombudsman for Equality follows a practice whereby it requests those workplaces that have had suspected cases of discrimination to submit their gender equality plans for assessment. Equality plans are also requested if the employee representative reports that a plan had not been drawn up or does not meet the statutory requirements. If the Equality Body establishes that the gender equality plan has shortcomings, it gives employers information and guidance how to draw up a gender equality plan and undertake a pay survey.

The Equality Body has given particular attention in recent years to supervising compliance with the obligation to develop and implement gender equality plans at educational institutions.

The Ombudsman for Equality, in compliance with the Act, has a gender equality plan in place.

Equality Body issues

No issues identified.

Resources

No resources identified.

Case Study Four: Commission for Citizenship and Gender Equality, Portugal

Legal duty

Law no. 75/2013, of 12th September 2013 provides the legal framework for local authorities⁷. Municipalities are required to ensure the integration of a gender equality perspective in all municipal fields of action, through the adoption of municipal plans for equality (Article 33).

No sanctions are provided for.

Equality planning

A local gender diagnosis is recommended to be carried out by the municipalities with a view to identifying the asymmetries to be addressed in the equality plan.

The signing of protocols with the Equality Body for the pursuit of this purpose of preparing an equality plan is voluntary, being a decision of the municipal executives. 82% of the 308 municipalities in Portugal have a Cooperation Protocol with the Commission for Citizenship and Gender Equality.

In terms of infrastructure put in place by municipalities to drive the process, out of the 308 Portuguese municipalities: 72% have appointed counsellors and local counsellors for equality; and 35% have nominated Teams for Equality in Local Life.

In terms of progress being made, of the 308 municipalities, 26% were distinguished between 2012 and 2020 with the "Living in Equality Award".

Equality Body mandate and role

The Commission for Citizenship and Gender Equality, a central State body responsible at national level for the promotion and defence of equality between women and men, provides support to the implementation of this legal duty, through the conclusion of Cooperation Protocols with the municipalities.

A new model of protocol, which set out what was required of Municipal equality plans, was launched by the Secretary of State for Citizenship and Equality in 2018. This is aligned with the National Strategy for Equality and Non-Discrimination 2018-2030 – Portugal + Equal (ENIND), which is coordinated by the Commission for Citizenship and Gender Equality. This new Protocol sets out the need to address the following in the municipal equality plans: equality between women and men; prevention and combat of violence against women and domestic violence; and discrimination on grounds of sexual orientation, gender identity and expression, and sexual characteristics.

The Commission for Citizenship and Gender Equality cooperates with the municipalities that have an interest in such cooperation in developing their equality plan with its support, within the scope of a signed protocol, through:

⁷ See: [Law no. 75/2013 of 12th September 2013](#).

- provision of training for human resources of the Municipalities, and provision of information and training materials on undertaking a local gender diagnosis and drawing up a Municipal Plan for Equality;
- provision of incentives and technical support for the appointment of local counsellors for equality (responsible for monitoring, promoting and evaluating the implementation of local equality policies) and Teams for Equality in Local Life (who coordinate the territorialisation of public policies for equality); and
- technical support for the submission of the checklist of indicators of equality policies at the local level, associated with the signed protocol and made available by the Equality Body, including monitoring and producing dashboards.

Under the Operational Program Social Inclusion and Employment (ESF), the Commission for Citizenship and Gender Equality launched a call for applications for grants totalling €5.355⁸ million to support the development of local equality plans by municipalities⁹ As a result, 177 plans are currently being developed (adding to the already existing 97 plans).

The Equality Body promotes actions to recognise good municipal practices through the promotion of the biennial “Living in Equality” award since 2012. The award aims to distinguish municipalities that have evidenced good practices in the integration of the dimension of gender equality, citizenship and non-discrimination, either in the organisation or functioning of the municipality, or in the activities that they have developed.

Equality Body issues

The Commission for Citizenship and Gender Equality has noted barriers to its work in this area in relation to political commitment to gender equality; the electoral cycles required for municipality operations; insufficient resources in the municipalities; and the status of local counsellors for equality and the reality that this function is often accumulated with other functions.

Resources

Commission for Citizenship and Gender Equality Website Page on Municipalities:
<https://www.cig.gov.pt/area-municipios/enquadramento/>

⁸ https://www.cig.gov.pt/wp-content/uploads/2020/02/TO1.06_POISE-22-2020-03_v1.pdf
<https://www.cig.gov.pt/wp-content/uploads/2020/05/AVISO-N.%C2%BA-ALG-22-2020-13.pdf>

⁹ https://www.cig.gov.pt/wp-content/uploads/2021/01/Candidaturas-aprovadas_TO-1.06_Planos-para-a-Igualdade_.pdf
<https://www.cig.gov.pt/wp-content/uploads/2022/01/Projetos-aprovados-POISE-22-2020-03.pdf>

Case Study Five: Commission for Equality in Labour and Employment, Portugal

Legal duty

Law no. 62/2017, of 1 August establishes the regime of balanced representation between women and men in the administrative and supervisory bodies of the entities of the public sector and listed companies. It further requires state-owned companies and listed companies to draw up annual equality plans and publish them on their website.

Equality plans address the employment function on the ground of gender. The requirement covers public sector and private sector companies: specifically the state business sector at national and local level; and listed companies.

No sanctions are provided for. The equality plans have to be sent to the Commission for Citizenship and Gender Equality and to the Commission for Equality in Labour and Employment. The latter may issue recommendations on the equality plans and publish these recommendations on its website.

Law no. 62/2017 will be evaluated in 2022, as it is subject to evaluation five years after its entry into force.

Equality planning

Equality plans are aimed at achieving effective equality of treatment and opportunities between women and men, promoting the elimination of discrimination based on sex, and encouraging work-life balance.

In accordance with the Legislative Order no. 18/2019, of 21 June, which regulates Law no. 62/2017, the elaboration of equality plans must follow the “Guide for the elaboration of equality plans”.

This guide addresses the five areas (and their various sub-dimensions) set out in the legislative order that are to be addressed in equality plans: equal access to employment; equality in working conditions; equal remuneration; protection in parenting; and work-life balance.

An internal diagnosis is identified as the starting point for the equality plan. The guide includes a matrix, in the form of a checklist, to support this diagnosis that includes a focus on the five areas required under the legislative order. There are specific sections in each area dedicated to the prevention of discrimination.

Equality plans must include a section on monitoring of their implementation, and a matrix to support this monitoring is provided in the guide. This matrix includes a focus on objectives, responsibilities, budgets, and indicators. The objectives refer to the areas to be addressed in the equality plan including: publicly taking on the commitment to the promotion of gender equality, internally and externally; creating the conditions to ensure implementation of the plan; and staff involvement. Obligatory measures to prevent discrimination are identified.

Equality Body mandate and role

The Commission for Equality in Labour and Employment has a legal mandate to advise organisations covered by Law no. 62/2017 on their equality plans. According to this law, the Equality Body analyses the equality plans submitted and issue recommendations, which are not binding.

These recommendations can address the equality plan structure, the setting out of the equality plan's objectives and strategies, and the coherence and adequacy of the measures, actions and practices adopted to achieve these objectives. These recommendations of the Equality Body are published annually on its website and information about the number of annual equality plans submitted is reported in its annual report on the progress of equality between women and men at work, employment and professional training

In addition, under its broader mandate, the Equality Body can give advice upon request to individual organisations, companies or employers' associations preparing equality plans.

Equality Body issues

Given that there are no sanctions for non-compliance with the law, there are challenges in ensuring companies draw up their equality plans and respond effectively to the Equality Body recommendations

More generally, it would be important to ensure companies look at equality plans as a strategic instrument for promoting gender equality in companies and for improving human resources management, and that they would see the process as an opportunity for improvement.

The use of the dedicated support materials produced by the Equality Body and its provision of information to companies is helping overcome these challenges.

Resources

The "Guide for the elaboration of equality plans" is available on the CITE website:

https://cite.gov.pt/documents/14333/137054/Planos_Igualdade_Guiao.pdf/b4797134-20e2-4132-bbf7-525d5e80a5d6

CITE's recommendations on the annual equality plans are available on the CITE Website:

<https://cite.gov.pt/planos-para-a-igualdade>

Case Study Six: Institute of Women, Spain

Legal duty

Royal Decree Law 6/2019 introduced several provisions to promote equal treatment and equal opportunities for women and men in employment and occupation, in particular regarding working conditions and pay transparency, gradually extending the obligation to companies with 50 or more workers (before this the ceiling set in the Gender Equality Law 3/2007 was 250 workers) to elaborate, together with workers' representatives, gender equality plans¹⁰.

Companies with 50 or more employees are now obliged to negotiate a gender equality plan with workers' legal representatives, which must also be registered in a specific public Registry.

Royal Decree 901/2020, of October 13 specifically regulates gender equality plans, and their registration in a specific public Registry¹¹. This implementing regulation clarifies the scope of the gender equality plans, the negotiation procedure, their content, and the necessary monitoring and evaluation measures. It promotes the development of guidelines and technical assistance tools to support companies and workers representatives in the design, implementation, monitoring and evaluation of gender equality plans.

The duty addresses the private sector and is focused on the employment function and on the ground of gender, including an intersectional element such as age. It is compulsory for companies with 50 or more employees, though smaller companies can adopt gender equality plans on a voluntary basis.

Royal Decree 902/2020 of October 13 regulates the obligation of equal remuneration for work of equal value and the principles and instruments of pay transparency, including the obligation for all companies to have remuneration records and for those obliged to carry out a gender equality plans, to also perform a remuneration audit¹². It also introduces jobs evaluation systems and the right for workers to be informed.

There are sanctions in cases of not adopting a gender equality plan in accordance with the requirements of the national regulation and for not complying with the regulation on pay transparency. The body in charge of monitoring the implementation of gender equality and other labour regulations within the labour market, is the Labour and Social Security Inspectorate rather than the Equality Body.

Equality planning

Gender equality plans are an ordered set of assessable measures, that are adopted after carrying out a diagnosis of the gender equality situation within company, and aimed at removing the obstacles that prevent or hinder effective equality between women and men in companies, eliminating all possible discriminations based on sex.

The fields covered in a gender equality plan are employment and working conditions, which must cover at least the following: selection and hiring process; jobs classification; training; professional promotion; working conditions, including a salary audit as for women and men; co-responsible

¹⁰ See: [Royal Decree Law 6/2019 on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation](#)

¹¹ See: [Royal Decree 901/2020, of October 13 on gender equality plans](#)

¹² See: [Royal Decree 902/2020 of October 13, on equal remuneration between women and men](#)

exercise of work-life balance rights; female under-representation; remuneration; and prevention of sexual harassment and harassment based on sex.

Equality Body mandate and role

The Institute of Women supports companies in the design and implementation of gender equality plans, policies and measures, and also provides guidelines to assess the gender pay gap.

The Equality Body provides a free technical advice service to support companies in the design, implementation and follow-up of gender equality plans. The service provides direct in-person advice for companies and employees' representatives, guiding companies in the development of their gender equality plans, and responding to queries on the application of gender equality in employment, equal working conditions, including on gender pay gap.

The Equality Body has developed a range of resource tools. A guide to support companies to implement and monitor gender equality plans has recently been published, providing a methodology, with technical guidelines, tools and models to support companies through the whole process provided for in the regulation. A pay record tool, a tool on jobs evaluation from a gender perspective and guide on pay audits have been developed and adopted in collaboration with the Ministry of Labour and Social Economy, along with social partners.

These guidelines and tools can be downloaded at the Equality Body's website, which also provides the following resources: a question and answer section; questionnaires to assess gender equality in companies; policy guidelines; guidelines on inclusive communication; guidelines on gender bias in recruitment and promotion processes; information on regulation; and various information tools.

The principal guidelines and tools regarding gender equality plans and pay transparency are expected to be available in English.

Free on-line training is available through the Gender Equality Virtual School. The training provision is structured in two-level courses (basic 30 hours, and advanced level 65 hours) and cover different disciplines, most of them related to gender equality at work.

In addition, financial support to trade unions involved in the negotiation process of gender equality plans is provided, so they can offer a training and advice service on gender equality, gender equality plans, pay registers and pay audits to worker's representatives, participating in the negotiation of gender equality plans.

Equality Body issues

There is a need to allocate more human resources to the Equality Body to support the negotiation and elaboration of gender equality plans, and to the Labour and Social Security Inspectorate, to adequately monitor compliance with the legislation.

Resources

The Equality Body's specific website on gender equality within companies:
www.igualdadenlaempresa.es

Equality Body tools are available at:
<https://www.igualdadenlaempresa.es/asesoramiento/herramientas-igualdad/home.htm>

Gender Equality Virtual School: <https://www.escuelavirtualigualdad.es/>



6. Looking Forward

The case studies provided by the six Equality Bodies make the case for the potential and effectiveness of equality planning as an approach within equality mainstreaming systems. Equality planning is identified as driving purposeful and systematic approaches to equality. This equality planning is usefully directed at the elimination of discrimination, the removal of barriers to equality experienced by groups, and progressing the achievement of equality. Equality planning most usefully takes a comprehensive approach, encompassing all prohibited grounds of discrimination and their intersections.

The case studies offer a body of good practice learning to enable a wider take up of and support for this equality planning approach.

This good practice learning emphasises the need for equality plans to include clear and measurable actions, that sit within a strategic set of objectives. It points to the importance of resources being identified and allocated to such actions and of a deadline being set for their implementation.

This good practice learning emphasises the importance of equality planning being:

- evidence-based and requiring a starting point of diagnosis to establish the current equality situation within the organisation and in its impact on the wider community;
- participative and involving those groups and communities exposed to inequality and discrimination, in particular through an engagement with their representative organisations; and
- monitored and evaluated so that learning from implementation of the equality plan can inform future equality plans.

The good practice learning emphasises the value of a statutory requirement for equality planning by organisations, in the form of a statutory equality duty. It points to the need for such a duty to: provide clarity in relation to the steps required by an organisation in equality planning; establish and empower a role for the Equality Body in supporting implementation of, standard setting for, and enforcing such a duty; and to provide for monitoring and sanctions in situations of non-compliance.

This good practice learning points up the key roles to be played by Equality Bodies in securing effective equality planning by organisations that can contribute to substantive equality. It notes roles of:

- awareness raising in relation to the potential of equality planning;
- training and guidance on the practice of equality planning; and
- engaging in networking and coordinating with other stakeholders to develop guidance and ensure compliance, a process that could usefully extend to enabling peer support among organisations for equality planning.

It notes particular roles, where there are statutory equality duties in place in relation to equality planning, of standard setting, monitoring, and enforcement where there is non-compliance.

The good practice learning emphasises the importance of an appropriate mandate and powers for, and an adequate resourcing of Equality Bodies to play such roles and to maintain their independence in doing so. It further suggests that Equality Bodies themselves would usefully implement such equality plans.

As such, it would be valuable if:

Equality bodies took on to promote equality planning as part of the portfolio of their work on promoting good practice within employer and service provider organisations, and took steps, as part

of their policy advice work, to advance the case for a statutory equality duty in relation to equality planning.

National authorities took on to promote an awareness of the potential of equality planning in their engagement with business associations, and took steps to make provision in equal treatment legislation for statutory equality duties in relation to equality planning.

The European Commission took on to promote and support equality mainstreaming, including the practice of equality planning, as part of its engagement with the European level social partners, and to establish and promote a body of good practice across the Member States through the High-Level Group on Non-Discrimination, Equality and Diversity.

Appendix

Case Study Collection Template

Good practices in equality mainstreaming by Equality Bodies with a focus on Equality Planning

Equinet: Equality Mainstreaming Cluster

In its [Work Plan 2022](#), Equinet committed to prepare a compendium of good practices on the role of equality bodies in supporting equality planning at the national level by public bodies and by private sector actors, informing the work of equality bodies and responsible public actors. This questionnaire is designed to collect information and good practices to feed into the compendium.

What is an “Equality Plan”?

'Equality plan' is a broad term that we will use in the Cluster's work this year. This term is intended to include other similar terms, such as diversity plans, integration plans, diversity charters, or equal opportunities plans and programs.

Adopting an equality plan may be compulsory for public and/or private sector organisations, but it may also be the result of a voluntary decision by the organisation (e.g. as a result of signing a national diversity charter). It typically covers their functions as an employer, but it may also cover their functions as a provider of goods and services understood broadly. Equality plans may be horizontal (covering all grounds) or focusing on one or some grounds (e.g. a gender or disability equality plan). Equality plans and diversity charters usually make a diagnosis of the situation, set out equality objectives, and clearly establish the strategies and practices to be adopted to achieve them.

Our definition does not include national level action plans on equality (e.g. national anti-racism action plans) as it focuses on plans developed by individual organisations (with or without a legal mandate to do so). It also does not include individual, isolated measures (e.g. a commitment to provide more parental leave than what's legally required) that do not add up to a systemic plan.

Equality plans typically contain concrete and assessable measures in order to ensure and enhance diversity and the effective equality of all employees, patients, students, customers, or users of goods and services on any protected ground of discrimination or their combinations.

The implementation of equality plans should be regularly monitored and evaluated, and equality bodies may play a statutory or voluntary role in this process.

To support work on equality plans, equality bodies can take many actions, either as a result of an explicit legal mandate or just based on their general mandate to promote equality. For example, Equality Bodies could:

- Adopt and implement an equality plan themselves, for their work and internal processes.
- Give advice to individual organisations preparing equality plans (regardless of whether they have a legal duty or if it is a voluntary action on their part).
- Give advice on equality planning to employers' associations or coordinators of national diversity charters.
- Monitor the implementation of equality plans.
- Evaluate the implementation and impact of equality plans (e.g., in the Equality Body's annual report).
- Oblige organisations to adopt and implement equality plans or ask the courts to do so as a remedy in a discrimination case.

If you have any questions about this questionnaire or would like more information, please contact Sophie Hale, Membership and Network Development Officer (sophie.hale@equineteurope.org)

Please copy and paste this template for each practice you would like to share (use one template per good practice).

RESPONDENT'S DATA

Equality Body:	
Country:	

We may need to follow-up with members who give us these good practice examples to check the details are correct. Therefore, we would appreciate it if you could give us the name and contact details of a relevant person in your Equality body **who knows about this example**.

Contact Name:	
Contact Email:	

LEGAL DUTY TO ADOPT EQUALITY PLANS

Does a legal duty exist in your country to adopt Equality Plans? (Yes / No)
If a legal duty to adopt Equality Plans does exist in your country, please give details on the following:

What sector is affected? Public or private?	
What size must an organisation be to be affected by this duty? Is it above a certain number of employees? If so, how many?	
Fields covered? (employment, access to goods and services, education, functions of public authorities, etc.)	
Grounds covered? (gender, race, disability, horizontal, etc.)	
Do you consider that the legal duty is clear and accurate enough to observe (for agents) and monitor (for the Equality Body)?	

MANDATE TO ADVISE / MONITOR EQUALITY PLANNING

<p>Is there a legal mandate for your Equality Body to work/ be involved in advising on or monitoring equality planning by other organisations, and what grounds and fields of life does it cover?</p>
<p>In the absence of an explicit legal provision to work or be involved in equality planning, has the mandate of your Equality Body been interpreted widely to cover this work? If so, what grounds and fields of life do you cover?</p>

GOOD PRACTICE EXAMPLE

We are primarily interested in good practices where your Equality Body plays a specific role (e.g. monitoring, advising duty bearers, or evaluating the implementation of the equality plan itself).

<p>Who is responsible for creating the equality plan?</p> <p><u>Public authority</u>, including municipalities, public education authorities, etc.</p> <p>or</p> <p>Private actor, including private employers, businesses etc.</p>	
<p>Was the creation of the equality plan <u>compulsory</u> or <u>voluntary</u>?</p> <p><u>If voluntary</u>, why did the organisation choose to create an equality plan? (if known)</p>	
<p>Please add a brief <u>description</u> of the practice.</p>	

<p>Ground(s) covered (gender, race, disability, horizontal, etc.)</p>	
<p>Does it cover and specifically address <u>intersectional</u> discrimination and inequalities?</p>	
<p>Field(s) covered (employment, access to goods and services, education, etc.)</p>	
<p>Role of the EB</p> <ul style="list-style-type: none"> • Was your Equality Body <u>legally required</u> to advise/monitor OR were you <u>invited</u> to do so by the duty bearer OR did you do so on your <u>own initiative</u>? • In which <u>phase</u> was your Equality Body involved (conceptualisation, implementation, monitoring, or evaluation)? • What did the <u>role</u> involve? • Did it lead to a <u>binding</u> decision/assessment from your Equality Body? • Did you <u>cooperate</u> with any organisation/ institution (other than the 'owner/originator' of the equality plan) in advising on or monitoring the equality plan? 	

Are there any <u>sanctions</u> foreseen if the equality plan is not adopted/ followed?	
Do you consider this a <u>good practice</u> ? Why was it successful, or not?	
Was there any <i>ex-post</i> <u>evaluation of impact</u> of the Equality Body's role in the equality planning process?	
Could you identify the key challenges in this practice?	
What helped to overcome those challenges?	
Please add <u>links</u> to any reference(s), if available, to the practice you shared above (publication, website, any other publication, etc.)	

YOUR EQUALITY BODY'S EQUALITY PLAN

<p>Does your Equality Body itself have an Equality Plan? If so, is it compulsory or voluntary?</p> <p>Is it only for employment or also for your Equality Body's services and on which grounds?</p>

Thank you very much for completing this questionnaire. Please return it by email to Sophie Hale, Membership and Network Development Officer (sophie.hale@equineteurope.org).

Equinet Member Equality Bodies

ALBANIA

Commissioner for the Protection from Discrimination
www.kmd.al

AUSTRIA

Austrian Disability Ombudsman
www.behindertenanwalt.gov.at

AUSTRIA

Ombud for Equal Treatment
www.gleichbehandlungsanwaltschaft.gov.at

BELGIUM

Institute for the Equality of Women and Men
www.igvm-iefh.belgium.be

BELGIUM

Unia (Interfederal Centre for Equal Opportunities)
www.unia.be

BOSNIA AND HERZEGOVINA

Institution of Human Rights Ombudsman of Bosnia and Herzegovina
www.ombudsmen.gov.ba

BULGARIA

Commission for Protection against Discrimination
www.kzd-nondiscrimination.com

CROATIA

Ombudswoman of the Republic of Croatia
www.ombudsman.hr

CROATIA

Ombudsperson for Gender Equality
www.prs.hr

CROATIA

Ombudswoman for Persons with Disabilities
www.posi.hr

CYPRUS

Commissioner for Administration and Human Rights (Ombudsman)
www.ombudsman.gov.cy

CZECH REPUBLIC

Public Defender of Rights
www.ochrance.cz

DENMARK

Danish Institute for Human Rights
www.humanrights.dk

ESTONIA

Gender Equality and Equal Treatment Commissioner
www.volinik.ee

FINLAND

Non-Discrimination Ombudsman
www.syrjinta.fi

FINLAND

Ombudsman for Equality
www.tasa-arvo.fi

FRANCE

Defender of Rights
www.defenseurdesdroits.fr

GEORGIA

Public Defender of Georgia (Ombudsman)
www.ombudsman.ge

GERMANY

Federal Anti-Discrimination Agency
www.antidiskriminierungsstelle.de

GREECE

Greek Ombudsman
www.synigoros.gr

HUNGARY

Office of the Commissioner for Fundamental Rights
www.ajbh.hu

IRELAND

Irish Human Rights and Equality Commission
www.ihrec.ie

ITALY

National Office against Racial Discrimination - UNAR
www.unar.it

KOSOVO*

Ombudsperson Institution
www.oik-rks.org

LATVIA

Office of the Ombudsman
www.tiesibsargs.lv

LITHUANIA

Office of the Equal Opportunities Ombudsperson
www.lygybe.lt

LUXEMBURG

Centre for Equal Treatment
www.cet.lu

MALTA

Commission for the Rights of Persons with Disability
www.crpdp.org.mt

MALTA

National Commission for the Promotion of Equality
www.equality.gov.mt

MOLDOVA

Council on Preventing and Eliminating Discrimination and Ensuring Equality
www.egalitate.md

MONTENEGRO

Protector of Human Rights and Freedoms (Ombudsman)
www.ombudsman.co.me

NETHERLANDS

Netherlands Institute for Human Rights
www.mensenrechten.nl

NORTH MACEDONIA

Commission for Prevention and Protection against Discrimination
www.kszd.mk

NORWAY

Equality and Anti-Discrimination Ombud
www.ldo.no

POLAND

Commissioner for Human Rights
www.rpo.gov.pl

PORTUGAL

Commission for Citizenship and Gender Equality
www.cig.gov.pt

PORTUGAL

Commission for Equality in Labour and Employment
www.cite.gov.pt

PORTUGAL

High Commission for Migration
www.acm.gov.pt

ROMANIA

National Council for Combating Discrimination
www.cncd.ro

SERBIA

Commissioner for Protection of Equality
www.ravnopravnost.gov.rs

SLOVAKIA

Slovak National Centre for Human Rights
www.snslp.sk

SLOVENIA

Advocate of the Principle of Equality
www.zagovornik.si

SPAIN

Council for the Elimination of Ethnic or Racial Discrimination
www.igualdadynodiscriminacion.igualdad.gob.es

SPAIN

Institute of Women
www.inmujer.es

SWEDEN

Equality Ombudsman
www.do.se

UNITED KINGDOM - GREAT BRITAIN

Equality and Human Rights Commission
www.equalityhumanrights.com

UNITED KINGDOM - NORTHERN IRELAND

Equality Commission for Northern Ireland
www.equalityni.org

** This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.*



ISBN 978-92-95112-65-0 | © Equinet 2022



Co-funded by the European Union



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