



Understanding the New EU Directives on Standards for Equality Bodies

Key principles derived from the Legal Digest on
Standards for Equality Bodies

*by Equal Rights Trust for Equinet
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Understanding the New EU Directives on Standards for Equality Bodies - Key principles derived from the Legal Digest on Standards for 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.

Equinet Secretariat | Place Victor Horta, 40 | 1060 Brussels | Belgium |

info@equineteurope.org | www.equineteurope.org

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Authors

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Advisory Committee

-  **Evelyn Collins** (Honorary Professor at School of Law - Queens University, Belfast and Chair Equal Rights Trust)
-  **Niall Crowley** (Independent Equality and Human Rights expert and Trustee of Equal Rights Trust)
-  **Jone Elizondo-Urrestarazu** (Equinet, European Network of Equality Bodies)
-  **Rainer Hiltunen** (Ombudsman for Equality, Finland)
-  **Tamás Kádár** (Equinet, European Network of Equality Bodies)
-  **Tena Šimonovic Einwalter** (Ombudswoman, Croatia)

Editorial and Publication Coordination

Jone Elizondo-Urrestarazu and **Tamás Kádár** (Equinet, European Network of Equality Bodies)

Formatting

Ilaria De Capitani (Equinet, European Network of Equality Bodies)

Cover Picture

Gustaf Öhrnell Hjalmars for Fine Acts



Together for Equality, Stronger for All

Implementing Strong European Standards for Equality Bodies

Binding legislation on standards for Equality Bodies is a major step towards **better and more uniform implementation and enforcement of EU equal treatment legislation**, helping to fulfill its ultimate goal of **creating equal societies and eradicating discrimination**.

Effective and ambitious national implementation of the Directives on Standards for Equality Bodies can lead to Equality Bodies that have stronger guarantees for their independence and the necessary resources to promote equality, fight discrimination effectively, and ensure accessibility to all. This will include assisting victims and ensuring better access to justice for all, with more adequate powers to achieve the objectives of full equality, and wider mandates to cover all manifestations of discrimination.

While the Directives on Standards for Equality Bodies set minimum requirements for the effective and independent operation of Equality Bodies in a number of key areas, **Member States can and should go further**. They should be encouraged to strive for an ambitious transposition and an implementation strategy that leads to stronger and better-equipped Equality Bodies throughout Europe, and use the opportunity of adapting their legislation to identify improvements that ensure their citizens enjoy the highest levels of protection against discrimination. **In this context, stakeholders and allies at the national level can play a crucial role in advocating and supporting implementation strategies that realize Equality Bodies' full potential by vesting them with the powers, mandates, independence, and resources required by these Directives**.

Learn more on Standards for Equality Bodies: <https://equineteurope.org/what-are-equality-bodies/standards-for-equality-bodies/>.

Advocating for a successful transposition

This resource, together with the Legal Digest on Standards for Equality Bodies and the Civil Society Toolkit, was funded by the [German Federal Antidiscrimination Agency \(FADA\)](#) as a part of a project to support National Equality Bodies and allies in ensuring a successful transposition of the Standards Directives. These resources aim to strengthen National Equality Bodies', Civil Society Organisations', and equality stakeholders' understanding of the Directives, providing them with the tools and information needed to meaningfully engage in the implementation process and advocate for ambitious transposition at the national level. The FADA-funded project is overseen by **Mariam Camilla Rechchad**, Project Officer at Equinet, European Network of Equality Bodies.



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Introduction

Equality Bodies play an essential role in combatting discrimination, advancing equality, and promoting positive social change. The number of Equality Bodies in Europe has proliferated since the early 2000s, driven in part by the adoption of the European Union Equality Directives. However, not all of these Equality Directives require the establishment of such bodies, while those which do lack specificity, detailing only a limited set of competencies that Equality Bodies must possess. The wide margin of discretion accorded to States in their transposition of the Equality Directives has led to some positive practices emerging at the national level. However, it has also resulted in uneven levels of protection against discrimination and significant disparities in the mandate, powers and resourcing of designated institutions. Efforts to improve the situation, including the adoption of two non-binding recommendations since 2017 (by both [the European Commission \(the Commission\)](#) and [the European Commission on Racism and Intolerance \(ECRI\)](#)), have largely failed to address the implementation gap, prompting calls for new legislation.

On 7 May 2024, the Council of the European Union adopted two new Directives which establish a set of minimum standards for Equality Bodies ([Directive 2024/1500](#) and [Directive 2024/1499](#)). Together, they require States to take specific and concrete measures to guarantee the independence of Equality Bodies and ensure their effectiveness in combatting discrimination and promoting equality. These Directives have the potential to be transformative. If this potential is to be fully realised, they must be properly understood and implemented.

In June 2024, Equinet – the European Network of Equality Bodies commissioned the Equal Rights Trust to develop a **Legal Digest of the EU Directives on Standards for Equality Bodies**. The Digest includes a detailed analysis of the Directives' provisions, through a close assessment of the text of the Articles, read together with the recitals, preparatory materials and other existing legal instruments and authoritative recommendations. Covering the topics of purpose, mandate, independence, resources, powers and accessibility, the Digest identifies a set of key principles for understanding, transposing and implementing the Directives.

In this document we synthesise these key principles in a single document. This document provides a high-level view of the Directives' requirements; making reference to both the specific articles it covers and corresponding with the titles of the relevant sections in the Digest in which the full analysis can be found. This set of Key Principles aims to assist member states, Equality Body staff, legal practitioners, and other stakeholders to operationalise the standards in their future work and to ensure consistency in national reporting to ECRI and the European Commission.

I. Purpose

Article 1(1)



Article 1(1) of the Directives sets out their purpose: to establish minimum standards for the functioning of Equality Bodies, to guarantee their independence and ensure their effectiveness in strengthening the application of the principle of equal treatment. Article 1 is the key interpretive principle through which all other provisions must be understood and applied. Six core principles can be derived from the statement of purpose in Article 1(1):

Empowerment: Equality Bodies must be fully empowered – both in law and in practice – to strengthen the application of the principle of equal treatment. Equality Bodies must have the agency and autonomy to determine which course of action is required to give effect to the principle of equal treatment, be provided with the powers and competencies necessary to take these actions and be equipped with the resources needed to discharge these powers effectively.

Effectiveness: Member States must ensure that Equality Bodies are empowered, equipped and enabled to play an effective role in strengthen the application of the principle of equal treatment, through preventing and addressing discrimination and promoting equality, with real impact.

Independence: The law must guarantee the institutional and functional independence of Equality Bodies. They must be free from any interference, have the agency and autonomy to determine and pursue courses of action they deem necessary and have independent control over their resources.

Agency and autonomy: Equality Bodies must be free to determine and pursue courses of action which they determine are necessary to give effect to the principle of equal treatment. They must be free to decide upon their activities, use of resources, and institutional structure.

Meaningful consultation: Equality Bodies must play a central role in evaluating whether they have the structure, independence, agency and autonomy, resources and powers they need to effectively deliver their mandate and ensure equal access to their services. The recommendations of Equality Bodies should be key to determining the approach to implementing the Directives. When these recommendations are not followed, the state must justify its decision against reasonable and objective criteria.

Minimum standards: The Directives set minimum standards. They provide a floor below which states should not fall but establish no ceiling for their ambitions. As Article 20 clarifies, states may take measures which are “more favourable than the minimum requirements”, but there must be no regression – the implementation of the Directives must not result in a reduction in protection. Non-compliance with the Directives could give raise to infringement proceedings by the European Commission. The Directives establish a framework, which should be interpreted and applied in light of both the EC Recommendation and ECRI Recommendation.

References to these overarching principles for interpretation are repeated throughout the subsequent sections, where they inform the proper and holistic understanding of other provisions of the Directives.

II. Mandate

Articles 1(2), 2, 3(4), 4 & 6



Articles 1(2) and 2 of the Directives consider the mandate of Equality Bodies. Article 1(2) concerns the **scope of the mandate** – the grounds of discrimination and areas of life in which Equality Bodies must promote the implementation of the principle of equal treatment. Article 2 concerns the **delivery of the mandate**, in particular the requirement of states to designate one or more bodies to exercise the competences set down in the Directives. These provisions should be read alongside Articles 3(3) and 3(4), which establish minimum standards relating to the internal structure of Equality Bodies, and Article 4, which includes a discrete clause on resourcing, relevant to multi-mandate institutions.

1 Scope of the Mandate

Rights and obligations derived from the Directives: States must ensure that Equality Bodies have a mandate to address and prevent discrimination and to promote equality on the basis of all of the grounds protected by the existing [Equality Directives](#). Equality Bodies must be empowered to exercise the full range of their powers in respect of all of these grounds effectively.

Due consideration to other disadvantaged groups: In the delivery of public awareness and accessibility obligations under the Directives, due consideration should be given to the needs of groups exposed to discrimination on grounds other than those protected by the existing Equality Directives, such as socio-economic status, political opinion, age, health, nationality, residence status, language, colour, level of literacy, gender, gender identity, gender expression or sex characteristics ([Directive 2024/1500](#)).

Particular attention to intersectional discrimination: Equality Bodies must be empowered to be attentive to intersectional discrimination. This requires considering intersectionality in the exercise of all of their powers, including, for example, litigation, research and communication. Intersectional discrimination for the purposes of the Directives can arise on the basis of any combination of the grounds protected by the existing Equality Directives.

2 Delivery of the Mandate

Designation of Equality Bodies: States must designate one or more institutions as Equality Body. The designation of an Equality Body requires either legislative or constitutional provision designating a body or bodies to fulfil the mandate. Any entity designated as an Equality Body is the subject of the Directives and states must ensure that the standards set down in the Directives are applied to them.

Discretion on institutional architecture: States have discretion as to the institutional structure of any body or bodies designated as Equality Body. States may: designate a single, dedicated body with the equality mandate; designate an institution with multiple mandates to exercise the equality mandate; designate multiple bodies to exercise the equality mandate; or designate different bodies to exercise different parts of the equality mandate, in the areas that the Directives allow for it. However, states' discretion is not unfettered. States must ensure that the whole equality mandate – as set out in the Directives – is delivered at

least according to the conditions set out by the Directives. This implies that any body that holds the equality mandate or part of the mandate is bound by these standards. If this is not possible within a given institutional architecture, that structure should be adapted or abandoned.

Whole mandate: States must ensure that the body or bodies which they designate as Equality Bodies are empowered to deliver and discharge the whole equality mandate, as established in the Directives on Standards. These bodies must be fully independent and must have the resources and powers which they require to effectively ensure the application of the principle of equal treatment.

Complete adherence to the minimum standards: States must ensure that, in designating an Equality Body, there is no diminution from the minimum standards set down in the Directives on Standards. Where parts of the equality mandate – for example the decision-making powers – are delivered by institutions which hold other mandates, these institutions must be subject to the same standards set down in these Directives, to the extent that they are delivering the equality mandate. Similarly, where separate institutions exercise the mandate in particular areas of life, or on particular grounds, the minimum standards must be adhered to by each institution.

Active management of the equality mandate: Where the equality mandate is delivered through a multi-mandate institution, states must ensure that the equality mandate is actively managed and that the internal structure of such bodies guarantees the effective exercise of the equality mandate. This requires, at a minimum, ensuring that: (1) legislation explicitly sets out the equality mandate; (2) appropriate and adequate human and financial resources are allocated to ensure the effective delivery of the equality mandate; (3) governing, advisory, and management structures are organised in a manner that provides for clear leadership, promotion and visibility of all aspects of the equality mandate; and (4) Reporting arrangements give adequate prominence to the equality mandate.

Effective and consistent delivery of the mandate: Where multiple institutions are designated to deliver the equality mandate – either separate Equality Bodies, or institutions, delivering one aspect of the equality mandate such as mediation mechanisms – states must ensure that the structures are in place to ensure cooperation and coordination to enable the effective and consistent delivery of the equality mandate.



III. Independence

Article 3



Article 3 imposes a positive obligation on States to take measures to ensure that Equality Bodies are independent. Independence is a minimum standard. Whilst the kind of mechanisms needed to guarantee independence may vary from country to country, States must adopt the measures necessary to guarantee the independence of Equality Bodies in both law and practice.

Institutional independence: For Equality Bodies to discharge their mandate and perform their tasks independently, institutional safeguards must be put in place. In particular, the law should regulate:

- Legal status and structure:** States must establish clear rules regarding the composition, powers, and resourcing of Equality Bodies. In order to guarantee and safeguard their independence, these rules should be set out in legislation.
- Appointments and tenure:** Appointments to leadership should be based on transparent, competency-based and participatory procedures. The tenure of appointments must be protected, to safeguard against interference: the law should specify the duration of tenure and protect against arbitrary dismissal, non-renewal and reductions to remuneration.
- Conflicts of interest:** States must ensure that persons appointed to leadership positions do not engage in any activities or hold affiliations that are incompatible with their duties.

Freedom from external influence: States must adopt measures to ensure that Equality Bodies are fully independent and free to conduct their work without direct or indirect interference by the executive or legislative branch or any other State or non-State actor.

Resource independence and autonomy: Equality Bodies must be able to act with agency and autonomy in all organisational matters and be enabled to decide upon the course or courses of action which they feel are needed to effectively deliver their mandate and advance the realisation of the principle of equal treatment. Equality Bodies must be enabled to make decisions relating to their own structure, staffing and resourcing and on internal accountability.

Accountability: Consistent with the above principles, Equality Bodies must be able to make decisions and discharge their functions without the prior approval of any political actor. Whereas Equality Bodies may be subject to generally applicable financial accountability rules and public service regulations without their independence being compromised, such rules must not be applied selectively or otherwise abused.

IV. Resources

Article 4



Article 4 requires States to ensure that an Equality Body has the “resources necessary to perform all its tasks and to exercise all its competences effectively”. This is an essential provision, which lies at the heart of the Directives’ purpose. For Equality Bodies to be effective, they need the funding, staff, premises and infrastructure required to promote and prevent discrimination, support victims, handle complaints and deliver their whole mandate. Sufficient resources are a precondition of effectiveness.

Required for effectiveness: States must provide Equality Bodies with the resources they need to be effective. This is a higher standard than adequacy or sufficiency. It requires states to consider the allocation of budget and other resources through the lens of outcome and impact. Equality Bodies must be meaningfully consulted to determine the resources which they require to be effective, based on their assessment of need.

Responsiveness to need: The determination of the level and nature of resources necessary for an Equality Body to fulfil its tasks, functions and competencies cannot be undertaken without the involvement of the Equality Body itself. States must establish a procedure through which an Equality Body can prepare the budget and request the human, technical and financial resources it deems necessary to ensure its effectiveness.

Full range of resources: Taken together, the requirement to ensure that Equality Bodies have the “human, technical and financial resources necessary” establishes an obligation to provide the full range of resources which the Body deems necessary to be effective. This includes at a minimum – but is not limited to – a staff cohort with the requisite numbers, competences and skills; a budget which enables the implementation of all functions and powers with real impact; and the premises, infrastructure, information technology and other technical resources it requires.

Stability, certainty and adaptability: In order that Equality Bodies can plan and operate effectively, the allocation of resources must be planned in advance and should be stable over time. The process of allocating resources must reflect and allow for uncertainty, providing Equality Bodies with sufficient resources to adapt in response to new challenges or demands.



V. Powers

To be effective, Equality Bodies must be invested with the full range of functions and powers which they need to fulfil their mandate. The Directives establish clear standards on the range of powers Equality Bodies should possess and how these powers should be deployed. For simplicity, these powers may be divided into two categories. First Equality Bodies must be equipped with the power to proactively prevent discrimination and promote equality (**promotion and prevention**). Second, Equality Bodies must have the power to address and respond to discrimination when it occurs (**access to justice and remedy**).

1 Promotion and Prevention

1.1. Awareness-raising

Article 5 (1) and 5(3)



Article 5(1) of the Directives requires states to proactively raise awareness of the rights to equality and non-discrimination and of the existence of Equality Bodies and their services. Importantly – and distinct from other aspects of Article 5 – this provision establishes a duty on the state itself, rather creating than an obligation to empower Equality Bodies.

A duty on the state: Article 5(1) imposes an obligation and a responsibility directly on the state. Nevertheless, this duty can only be properly discharged if States work with relevant stakeholders, including Equality Bodies and groups working with and on behalf of disadvantaged communities.

Obligation of results: States have an obligation to raise awareness among the general population of the rights protected by the existing Equality Directives and of the existence of Equality Bodies and their services. This is an obligation of results, not of action: it is a proactive duty to increase knowledge and understanding, rather than simply to promote the rights.

Awareness of rights and Equality Bodies: States' duty to raise awareness of rights goes beyond promoting the existence of the Directives and requires an approach that is focused on fostering knowledge and understanding of discrimination, how it occurs, and what can be done to remedy it. It necessitates a focus on the resources available to those exposed to discrimination, including from Equality Bodies, as well as a focus on public awareness raising as a means to combat stigma, stereotype and prejudice.

All appropriate measures: Article 5(1) focuses on raising awareness as a means to contribute to the prevention of discrimination and the promotion of equality. Understood in this context, it imposes an obligation on the state to adopt all appropriate measures to raise awareness. Such measures must be understood in light of impact, including levels of awareness among the population.

Accessible and appropriate communication: States and Equality Bodies must pay particular attention to raising awareness among groups exposed to discrimination. In order to do this, Article 5(3) requires that they

ensure that they are using means of communication which are adapted to the needs of different groups, ensuring that communication is accessible and appropriate to all.

1.2. Proactive measures

Article 5 (2)



Article 5(2) requires states to empower Equality Bodies to “carry out activities to prevent discrimination and promote equal treatment”. It also sets out an expansive – but non-exhaustive - list of ways in which Equality Bodies can exercise this preventative and promotional role.

Effective empowerment: States have a duty to equip, enable and empower Equality Bodies to undertake activities to prevent discrimination and promote equality. Ensuring that Equality Bodies are empowered to act effectively requires that they have the independence and agency and autonomy to determine and pursue courses of action which they consider necessary to address the problems which they identify, and the powers and resources required to implement these actions.

Prevention of discrimination and promotion of equality: Equality Bodies must be empowered to decide upon and take active measures to prevent discrimination and promote equality. This necessitates a shift in focus away from approaches which have often been responsive and remedial and towards one which is proactive, pre-emptive, preventative and promotional. Equality Bodies must be enabled to play a role focused on preventing the occurrence and recurrence of discrimination through developing and implementing proactive programs of action. Equality Bodies must be enabled to promote equal treatment, through measures designed with a view to achieving full equality in practice.

Activities which are effective: Article 5(2) provides an illustrative list of the kinds of activities which Equality Bodies may undertake in their preventative and promotional role. This list of activities is indicative only. Equality Bodies must have the agency and autonomy to determine and pursue courses of action which they consider appropriate to addressing patterns of discrimination and inequality which they identify.

1.3. Consultation

Article 15



Article 15 requires states to consult with Equality Bodies in the development and implementation of laws, policies, procedure and programmes. Whereas Equality Bodies have always had the competence to make recommendations to government and public bodies, Article 15 imposes a proactive duty on these actors to consult Equality Bodies, as an integral part of the legislative and policy-making process.

Proactive and integrated consultation: The objective of consultation is to ensure that equality considerations are taken into account as an integral part of the law- and policy-making process. States have a duty to establish procedures which require and enable proactive consultation with Equality Bodies. States must establish such procedures, while those involved in law- and policy-making must ensure that they consult during these processes. The onus is on government and public authorities to ensure engagement with Equality Bodies in a timely and appropriate manner while ensuring that they have the resources needed to engage.

Agency and autonomy: States have a duty to ensure that public authorities consult Equality Bodies. Equality Bodies have the right to make relevant recommendations and to request follow-up. Equality Bodies have

discretion to decide on which law, policy, procedure and practice they make recommendations. Equality Bodies are under no obligation to review and provide recommendations on every law, policy, procedure and practice.

Meaningful consultation: States have an obligation not only to consult Equality Bodies but to give due regard to their recommendations. Where Equality Bodies make recommendations on how potential discriminatory impacts can be prevented, or how positive equality impacts can be secured, they have a right “to request follow-up regarding such recommendations”. This in turn requires that public authorities give due consideration to how proposed laws, policies, procedures and practices should be adapted.

All legislation, policy and practice: The duty to consult applies to all aspects of law, policy, procedure and practice and should be interpreted such as to include all aspects of government decision-making and practice, not only those explicitly focused on equality and non-discrimination. The objective is to integrate equality considerations throughout the law- and policy-making process. The duty applies both in respect of the development and implementation of new laws, policies and procedures and in respect of the review of existing laws and policies.

Adequate information, time and resources: The duty on states to establish procedures to ensure that Equality Bodies are consulted creates an obligation to ensure that Equality Bodies have the information, time and resources which they need to participate in the process, should they decide so. Consultation procedures should provide clear guidance on the information to be provided and the format. States must work with Equality Bodies to understand the time and resources which they need to engage in consultation processes and establish a procedure to do ensure that these requirements are met.

1.4. Data collection

Article 16



Article 16 sets down a range of standards in respect of the collection, management and use of equality data. Good equality data provide the foundations for effective action by Equality Bodies, in particular in respect of their public reporting and awareness-raising activities, but also as a means to inform preventative and promotional activities implemented under Article 5. Accordingly, it is essential that Article 16 is applied with a focus on equipping Equality Bodies with the data they need.

Collection and requisition of data: Equality Bodies must be empowered to collect data both directly, through surveys, independent research and other means, and indirectly, through commissioning such data from public and private entities. Equality Bodies must have the resources which they need to collect and access the data which they require. Recommendations from Equality Bodies on new data to be collected should result in action to ensure that such data is collected.

Data necessary to assess and report on the situation of discrimination: Equality Bodies must be able to access the data they need to accurately assess the situation of discrimination in the country and produce reports that give a complete and accurate assessment of the state of equal treatment.

Data necessary to inform policy: Equality Bodies must be able to access the data they need to inform policy making, including through identifying and documenting patterns of discrimination, making evidence-based recommendations, and requesting follow up in line with the requirements of Article 15.



Article 17 establishes three requirements in respect of planning and reporting by Equality Bodies Paragraph (a) requires that Equality Bodies produce and adopt a work plan, while paragraph (b) requires that they publish annual reports. These duties are dealt with in chapter VII of the Legal Digest, on Implementation. Paragraph 17(c) establishes a different requirement: that Equality Bodies produce a “state of the nation” style report on discrimination and inequality in their country.

Equality Bodies empowered to provide an overall assessment of equal treatment: States must both require and empower Equality Bodies to develop and publish reports providing an overall assessment of the state of equal treatment. At a minimum, this requires that Equality Bodies are able to collect, access and request the data they need for their analysis and have the human, technical and financial resources which they require to report effectively.

Minimum requirements: At minimum, Equality Bodies should be required and enabled to publish reports providing an overall assessment of the state of equal treatment once in every four years. Equality Bodies may choose to produce additional reports, or to report more frequently. Consistent with the principle of agency and autonomy, it is for Equality Bodies to determine the scope, scale and focus of the reports which they produce to provide an overall assessment of the state of equal treatment.

Reporting with recommendations: Reports produced by Equality Bodies should include recommendations for changes to law, policy and practice on how actual or potential discriminatory impacts may be prevented, or how positive equality impacts can be secured. Equality Bodies should be empowered to request follow up to their recommendations. In keeping with the principle of meaningful engagement, public authorities should give due consideration to such recommendations and to how laws, policies, procedures and practices should be adapted.

2 Access to Justice and Remedy



Article 6 of the Directives requires states to ensure that Equality Bodies are able to receive complaints of discrimination and provide assistance to victims. This is a mandatory obligation. The receipt of a complaint is seen as a first step in a process that may lead to one or more of the subsequent forms of action taken with and by Equality Bodies detailed under Articles 7-10 of the Directives.

Identify and remove barriers to assistance: When transposing the Directives, states should take a unified approach to understanding the term ‘victim’ as described in article 6. No person should be prevented from accessing assistance for reasons related to their socio-economic status, political opinion, age, health, nationality, residence status, language, colour, level of literacy, gender, gender identity, gender expression, sex characteristics or any other status. This requires an intersectional, adaptive and responsive approach. Equality body staff must be sensitive to the needs and experiences of service users.

Individualised advice and information: The duty of Equality Bodies to provide information and advice to victims of discrimination aims to overcome a key barrier to justice. Victims must be informed of the availability of services, the legal framework, remedies, confidentiality and data protection rules, and relevant processes and procedures, alongside the possibility of obtaining psychological and other forms of support. All information should be individualised and tailored to a person's situation.

Establish transparent rules and procedures: States and Equality Bodies must ensure that clear rules and procedures are established regarding the handling of complaints. These procedures may include procedural safeguards against "repetitive or abusive complaints" which can deplete the resources of Equality Bodies. Victims of discrimination should be informed of relevant procedures and be provided with information on possible avenues of redress, and the timeframe for the review of their complaint.

Collect equality data: In accordance with the Directives' broader rules on data-collection, Equality Bodies should collect information on complaints to monitor the situation of discrimination within the country. This information is essential to addressing discrimination, and improving the quality of services provided.

2.2. Alternative Dispute Resolution

Article 7



Article 7 of the Directives provides that Equality Bodies should have the power to offer parties to a discrimination complaint "the possibility of seeking an alternative resolution". Different models of alternative dispute resolution (ADR) exist at the national level, and the Directives recognise this diversity. Rather than prescribing a specific process, the Directives specify different forms that ADR can take – including mediation or conciliation – whilst leaving the arrangements to states.

Entrust competent bodies: States must ensure that bodies providing ADR are able to act impartially and are provided with the resources needed to guarantee the quality of their services. Where this function is delegated, such service providers must meet the same standards established for Equality Bodies under the Directives. At minimum they must be independent, established on a durable basis and possess sufficiently expert knowledge of the anti-discrimination law framework.

Facilitate the quick and low-cost resolution of disputes: ADR aims to remove barriers to justice. To overcome power and resource asymmetries that often exist in discrimination cases, states should ensure that civil society and other social partners are able to provide advice and assistance to victims. Where ADR services are delegated to another competent entity, Equality Bodies should also be empowered to assist victims, in either a direct or indirect capacity.

Ensure effective access to the courts: The possibility of ADR must not preclude a person from exercising their rights under the existing Equality Directives to initiate legal proceedings. States should respect the agency and autonomy of victims to decide upon the most appropriate course of action and ensure that their national procedural rules - such as those setting a limitation period on claims - do not prevent a person from achieving redress through formal justice mechanisms.



Article 8 of the Directives requires member states to "ensure that Equality Bodies are empowered to conduct an inquiry into whether a breach of the principle of equal treatment" has occurred. This provision covers two sets of circumstances. First, inquiries are linked to the powers of Equality Bodies to issue opinions or decisions on complaints of discrimination. Second, inquiries may be conducted on an Equality Body's own initiative, to investigate potential violations of the right to equal treatment. Article 8 establishes a right of Equality Bodies to access information and documents.

Ensure effective access to information: In order to effectively perform their inquiry power, Equality Bodies have the right to access information and documents. This right should not be impeded, including where similar competencies are established for other entities. Mechanisms must be put in place to promote effective cooperation between Equality Bodies and other public institutions, including the courts, who can support the investigatory function by issuing relevant legal orders.

Entrust competent bodies: Where the inquiry function is entrusted to another entity, that entity must meet the same standards of independence, expertise, and impartiality required of an Equality Body, and be provided with the resources needed to effectively deliver the equality mandate. Such bodies should collaborate with and inform Equality Bodies of the process and outcome of the investigations.

Retained competence: The powers accorded to Equality Bodies under Article 8 exist in addition to powers granted to any other body, such as competent entities designated under Article 8(3). Equality Bodies' must be provided – and retain – the right to investigate possible violations of equal treatment legislation on their own motion, including in the absence of a complaint.

Procedural safeguards: The new powers accorded to Equality Bodies to receive information and documents and conduct inquiries must be exercised subject to appropriate procedural safeguards, described below. In particular, hearings must ensure that "the rights of defence of natural and legal persons involved are protected." *Inter alia*, this requires that provisions on the burden of proof are applied by designated bodies and that the broader requirements of EU law (for instance, on equality of arms) are upheld. Importantly, the Directives do not impose any limitation on the use of information collected by Equality Bodies through their investigatory and fact-finding powers in judicial proceedings.



The Directives assert a strong role for Equality Bodies in addressing discrimination complaints. Article 9 establishes the power of Equality Bodies to issue opinions or decisions in discrimination cases. While states have discretion in determining whether such observations are of a binding or non-binding nature, they are required to adopt specific procedural mechanisms to ensure appropriate follow-up and implementation. Importantly, the Directives reinforce the remedial role of Equality Bodies, and their preventative obligations. In these ways, the Directives seek to establish a stronger, more unified, framework for addressing discrimination and promoting implementation of the right to equal treatment.

Remedy, sanction and prevent: When deciding cases or issuing opinions, Equality Bodies should be empowered to specify remedial action, including sanctions that are effective, proportionate and dissuasive, alongside proactive and preventative measures, designed to prevent reoccurrence and address the structural determinants of inequality.

Establish effective mechanisms: States are required to establish specific mechanisms to promote the effective enforcement of decisions, and implementation of opinions. Where Equality Bodies have a binding decision-making function, they must be afforded the right to secure information on the implementation of those decisions. Where Equality Bodies issue non-binding opinions, clear feedback protocols must be established to encourage dialogue and promote effective implementation. In both cases, Equality Bodies must be provided with the resources they need to deliver on their mandate.

Complementarity of Powers: Equality Bodies retain the right to exercise all litigation competencies accorded to them by States pursuant to Article 10 of the Directives. Under Article 10(4) all competent bodies entrusted with binding decision-making powers have the right to act as a party in judicial proceedings on the enforcement or judicial review of their decisions.

2.5. Litigation

Article 10



One of the most significant contributions of the Directives relates to the powers of Equality Bodies to act in court proceedings, which are detailed under Article 10. The new Directives establish specific litigation competencies for Equality Bodies, whilst asserting their right to participate in legal proceedings in their role as legal experts. As the recitals make clear, in this area the Directives seek to recognise and reinforce the important role of Equality Bodies in contributing towards the “proper interpretation and application of equal treatment legislation” and in combatting discrimination.

The right to act in court proceedings: Equality Bodies must be provided with the power to make expert submissions to the court in discrimination cases, in recognition of their role as legal experts. Equality Bodies must also possess at least one of the following litigation competencies: to initiate court action in their own name as a direct representative of victims; to participate in court proceedings initiated by victims in support of their claim; and to litigate in their own name to defend the public interest. Equality Bodies that have a binding decision-making function have the right to act in support of the enforcement or judicial review of its decisions.

Non-transferrable and complementary: The litigation powers afforded to Equality Bodies under the Directives are non-delegable and exist in addition to powers already exercised by other institutions or bodies, such as Ombuds, trade unions, or networks of civil society organisations.

Prioritisation: Equality Bodies must exercise agency and autonomy in the use of their litigation powers and be enabled to choose which cases to pursue in accordance with their own established priorities.

Responsive to the needs of Equality Bodies: To ensure that Equality Bodies are able to effectively conduct their mandate, they must be meaningfully consulted in respect of any decisions concerning the creation of new, or extension of existing, litigation competencies. States must ensure that resource considerations do not preclude Equality Bodies from assuming any of the competencies listed under Article 10(3), where they are considered necessary to promote justice for victims.

2.6. Procedural Safeguards

In each of the areas discussed above, the Directives significantly enhance the powers of Equality Bodies. The Directives complement and reinforce rules contained in the existing Equality Directives on issues such as evidence and proof, whilst clarifying their application to Equality Bodies when exercising their newly acquired and existing functions. Where such a body is responsible for delivering different aspects of the equality mandate which – in combination - could present challenges, the Directives foresee the adoption of mitigating measures.

Establish procedural safeguards: States must ensure that the powers of Equality Bodies complement, and do not prevent, the achievement of justice through judicial mechanisms. Bodies responsible for conducting inquiries should comply with rules contained in the Equality Directives relating to the burden of proof and act with due impartiality. Where designated institutions have the power to make binding decisions, states must ensure that an avenue of appeal to the courts exists.

Establish transparent internal structures and protect the equality mandate: States and Equality Bodies must cooperate to ensure that each aspect of the equality mandate is delivered on all grounds and in all areas of life covered by the Equality Directives. Where Equality Bodies exercise a decision-making function, in addition to promotion, prevention, assistance and litigation competencies, States must ensure that their internal structure allows for the effective and (where appropriate) impartial exercise of their powers.

Deliver the whole mandate: Safeguards should be put in place to ensure that entrusted institutions have the necessary resources to effectively deliver those parts of the equality mandate for which they are made responsible. All aspects of the equality mandate must be fulfilled and given appropriate attention. Where powers afforded to an Equality Body are delegated to another institution (ADR and inquiries), that institution must meet the same standards established by the Directives, including as regards impartiality, independence, resources and accessibility. Such bodies must also comply with the broader requirements of the EU equal treatment framework on issues such as legal procedure, evidence and proof, discussed above.



VI. Accessibility

Articles 12 & 13



Articles 12 and 13 of the Directives concern the accessibility of Equality Bodies and their services. Article 12 establishes an overarching principle of equal access in respect of all of the services and publications provided by Equality Bodies. It also sets specific requirements of equal access in respect of procedures for submission of complaints. Article 13 concerns obligations of reasonable accommodation and accessibility for persons with disabilities, confirming that obligations under the [UN Convention on the Rights of Persons with Disabilities](#) and the [EU Accessibility Act](#) apply to Equality Bodies.

A mandatory requirement: Articles 12 and 13 establish an absolute and immediate requirement of outcome. States and Equality Bodies are required to guarantee equality of access in respect of Equality Bodies' services, publications and specified activities.

Equal access: Ensuring equal access has both negative and positive dimensions. The former requires the identification and removal of barriers that may prevent equality of access. The latter requires proactive measures, including outreach and the engagement of marginalised, under-represented and other disadvantaged communities who may encounter barriers – physical, social, linguistic, communicative, financial, geographical – that impede their equal access. Whilst the primary obligation rests on States, States must also ensure that Equality Bodies are empowered to ensure equal access to all.

Individual and collective measures: Article 13 draws a distinction between reasonable accommodations and accessibility measures. Whilst the former is an individualised duty, engaged from the moment a person requires access to an inaccessible environment, the latter is an ongoing, proactive obligation to ensure accessibility.

Access for all: While the Directives do not expand the personal or material scope of protection of the original Equality Directives, States must ensure that Equality Body services are available to “all” irrespective of their personal characteristics. Both the state and Equality Bodies (as public duty-bearers) are bound by these requirements. If Equality Bodies are to ensure equal access, they must have the necessary skills, knowledge and resources to be able to identify and overcome barriers to participation on a wider range of grounds.

VII. Transposition, implementation and monitoring

Articles 17-24



Articles 17 to 24 the Directives set down obligations on member states, Equality Bodies, and European Union institutions with respect to transposition, implementation and monitoring. For the most part, these Articles provide clear direction: they do not establish key principles, but simply provide instruction on the steps necessary for operationalisation. Given this, here we simply summarise the relevant Articles.

Obligations of states: States have an obligation to transpose and ensure the implementation of the Directives. Transposition requires legislation: and Article 24 requires states to pass laws, and necessary regulations, to give effect to the Directives. Article 20 establishes that transposition or implementation of the Directives cannot result in a reduction in the level of protection and underscores that states may “introduce or maintain” provisions which are more favourable than those in the Directives.

Responsibilities of Equality Bodies: The Directives establish responsibilities for Equality Bodies to ensure the proper implementation of the standards. Article 17 requires member states to ensure that Equality Bodies both plan and report on their work by (a) adopting a work programme and (b) publishing an annual activity report that includes a financial report.

Role of the European Commission: The Directives define an essential role for the European Commission in monitoring the implementation of the Directives. Article 18 provides that the Commission should develop common indicators for measuring implementation of the standards, by 19 June 2026, and sets out specific requirements for the indicators to be developed. Article 19 provides that “the European Parliament may invite the Commission annually to discuss” the monitoring and reporting undertaken in line with Article 18.

In all cases, when transposing the Directives, regard must be had to the purposes set out in Article 1. In this document, we distil a set of principles derived from the text of the Directives and informed by these purposes. In doing so, we hope to assist all relevant actors in their efforts to give full effect to the new legal standards.



Equinet Member Equality Bodies

ALBANIA

Commissioner for the Protection from Discrimination
www.kmd.al

AUSTRIA

Austrian Disability Ombudsman
www.behindertenanwalt.gv.at

AUSTRIA

Ombud for Equal Treatment
www.gleichbehandlungsanwaltschaft.gv.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

Gender Equality Ombudsman
www.prs.hr

CROATIA

Ombudsman for Persons with Disabilities
www.posi.hr

CYPRUS

Office of the Commissioner for Administration and the Protection of Human Rights
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 (Ombudsman) of Georgia
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
www.unar.it

KOSOVO*

Ombudsperson Institution
<https://oik-rks.org/>

LATVIA

Ombudsman's Office of the Republic of Latvia
www.tiesibsargs.lv

LITHUANIA

Office of the Equal Opportunities Ombudsman
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
ncpe.gov.mt

MOLDOVA

Equality Council
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 of the Republic of Poland
bip.brpo.gov.pl

PORTUGAL

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

PORTUGAL

Commission for Equality in Labour and Employment
cite.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.snsnp.sk

SLOVENIA

Advocate of the Principle of Equality
www.zagovornik.si

SPAIN

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

SPAIN

Institute of Women
www.inmujeres.gob.es

SWEDEN

Equality Ombudsman
www.do.se

UKRAINE

Ukrainian Parliament Commissioner for Human Rights
www.ombudsman.gov.ua

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.*

