

## **Working group 1:**

# **Inclusion and fundamental rights: addressing gaps in equality law and in its implementation**

## **Background**

The EU's equality directives offer comprehensive protection against discrimination on the grounds of sex and racial or ethnic origin; discrimination on the grounds of religion or belief, disability, age or sexual orientation are prohibited in the areas of employment, occupation and vocational training.

Under EU law, national equality bodies are responsible for promoting equal treatment in the areas of racial or ethnic equality and gender equality.

Many Member States have established bodies that deal with discrimination on other grounds, such as sexual orientation, disability, age and religion or belief. Adopting the proposed Equal Treatment Directive would ensure that the EU and its Member States are able to offer comprehensive protection against discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation on an equal footing.

FRA evidence indicates that the legal obligation and resulting efforts to raise public awareness of anti-discrimination legislation have not been enough for the legislation to realise its full potential. Relevant bodies and organisations should be assisted in intensifying awareness-raising activities in that respect, including, equality bodies, civil society organisations, trade unions, employers and other relevant professional groups.

## **Objectives**

The working group aimed at reflecting on the necessity to fully implement anti-discrimination legislation and on the available tools to promote equality and non-discrimination. In doing so, it sought to pay attention to how best to raise awareness about the importance of countering discrimination on all grounds. The working group considered how the full implementation of equality legislation can contribute to protecting fundamental rights in the area of non-discrimination.

## **Speakers**

- Soraya Post, Member of the European Parliament
- Paul d'Auchamp, Deputy Regional Representative for Europe, Office of the United Nations High Commissioner for Human Rights
- Sarah-Jane King, Deputy Head of Unit Equality legislation, Directorate General Justice and Consumers, European Commission

- Tamás Kádár, Head of Legal and Policy Team, EQUINET
- Patricia Prendiville, Organisation and Equality Consultant, Equality Works
- Marina Roncoroni, Commissioner for Integration and Migration for the Berlin District Administration Steglitz-Zehlendorf, Germany

## Main messages

1. There is a lack of political will in fully implementing equality and non-discrimination, as can be seen for example in the continued blockage of the proposed Equal Treatment Directive. The question to ask is how can political commitment be made into reality, meaningfully involving all key stakeholders, while adequately providing resources to those organisations and bodies that are tasked with monitoring, promoting and protecting equality and non-discrimination?
2. Equality and non-discrimination are not minority issues. Nor should we talk of 'vulnerable groups'. Instead, the focus of attention should move to addressing structural barriers that can lead to people finding themselves in situations of vulnerability. Examples of structural barriers include lack of effective and dissuasive sanctions as well as a lack of effective redress mechanisms.
3. It's not about legislation, but about behaviour. People and organisations that are found to discriminate should be "named and shamed".

## Promising practices

- [Court challenges program of Canada](#), funded by the Canadian government's Department of Canadian Heritage
- Use of social media to name and shame organisations that are found to discriminate, the Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*), The Netherlands
- Awareness raising on cases where discrimination was found, for example in relation to age in Belgium, Centre interfédéral pour l'Egalite des Chances, Belgium

## Next steps

- Enterprise, consumers' associations and social partners, political actors, economists, EU institutions, bodies and agencies as well as National Human Rights Bodies should work to change the discourse on equality and non-discrimination. They could:
  - Start focusing on the benefits of diversity rather than on the presumed cost of equality: Promoting equality does not have a cost, but is an investment in society.
  - Don't focus on victims of discrimination but shift the attention to those who discriminate.
  - Do not refer to "vulnerable groups" but start focusing on structural barriers.

- Equality bodies, civil society, social partners, international governmental organisations should create a coalition movement in Member States to encourage governments to truly assess how equality law is implemented on the ground.
- Member States should set up national plans to implement national and international legislation relevant to equality and non-discrimination [see, for example, the UN's [Durban Declaration and Programme of Action](#) (DDPA)].