

2013 Equinet High Level Legal Seminar on the Application of the EU Race & Employment Directives = SUMMARY =

On 16 May Equinet organised its [2013 High-Level Legal Seminar](#) in Brussels, focusing on discussions on the application of the Race Equality Directive and the General Framework Directive. The seminar was aimed at legal experts and practitioners involved in anti-discrimination law, including senior legal staff from national equality bodies, from the European institutions, agencies and other international organisations, from national and European NGOs, the academic world and social partners active in the field of non-discrimination and equal treatment law. This high level legal seminar offered the participants the opportunity to enhance their skills and develop their expertise through active involvement, networking and information exchange.

In his opening address **Mr. Jozef De Witte** welcomed participants and speakers to the seminar. He emphasised the importance of the topic and of assessing the level and accuracy of implementation of the Directives in the Member States. In his opening address **Mr. Aurel Ciobanu-Dordea**, Director for Equality of DG Justice of the European Commission, underlined the importance of the role of national equality bodies (NEBs) in implementing equality legislation and in ensuring a consistent application thereof. On the other hand, he recalled that in a number of Member States the situation of NEBs is challenged nowadays in the context of the economic crisis. Mr. Ciobanu-Dordea provided an update on the work of the European Commission with regard to the preparation of the joint report on the application of the Race Directive and the Employment Framework Directive and expressed his appreciation to Equinet, NEBs and NGOs for their input on the implementation of the directives. He pointed out that the reason for preparing a joint report on the Directives is to make use of and build on the synergies and similarities in their regulatory methods.

The **FIRST SESSION** of the legal seminar was dedicated to reporting on the application of the Non-Discrimination Directives. **Mr. Andreas Stein**, Head of Unit in DG Justice of the European Commission gave a key note presentation on the work of the European Commission to prepare the report on the application of the non-discrimination directives. He underlined the important contribution of NEBs and expressed his gratitude for the 7 equality bodies that had sent specific contributions to the report. Mr. Stein also pointed to age discrimination and discrimination against Roma people as two issues that will be dedicated special attention in the joint report. Besides these key areas the report will also focus strongly on relevant case law developed at national and CJEU level as well as the use of remedies and sanctions in the different Member States. He

indicated that the Commission is also reflecting on the legal requirements and standards in the Race Directive relating to NEBs and this issue might be touched upon in the joint report as well.

Ms. Jayne Hardwick from Equality and Human Rights Commission (Great Britain) and Moderator of the Equinet Working Group Equality Law in Practice presented to the participants the work of the group, analysed previous reports and also focused on the report on the Implementation of the Race and General Framework Directives. She presented the requirement for an equality body to be established under the General Framework Directive in order to guarantee the effective combat of discrimination in the fields covered by the General Framework Directive and pointed out that the European Commission may wish to consider obliging Member States to designate an independent equality body for the promotion of equal treatment in the areas covered by the Directive. Furthermore she analysed the need for standards for equality bodies in order to guarantee their independence and effectiveness and suggested that it would be helpful if the European Commission could consider expanding the minimum competencies of equality bodies.

The **SECOND SESSION** of the seminar featured an interactive Panel Debate on relevant aspects of the Directives and the experiences of stakeholders. The panel was moderated by **Ms. Tena Šimonović Einwalter**, Member of the Equinet Board from Croatia and panellists included **Mr. Jean-Pierre Gauci** from the European Network Against Racism, **Ms. Erica Howard**, a Senior Lecturer from Middlesex University, **Mr. Bostjan Vernik-Setinc**, the Advocate of the Principle of Equality in Slovenia and **Ms. Pia Lindholm** from the European Commission, DG Justice. The panel members analyzed the key legal issues and problems with regard to the application and effective functioning of the Directives and discussed about the role that equality bodies can and should play in the effective implementation of the Directives and what would need to be changed in the Directives or in their implementation in order for them to be more effective.

The panel participants focused on the issues of raising awareness, multiple discrimination, sanctions, access to justice as well as the impact of the economic crisis on the work of the NEBs. Overall, session 2 created a forum for fruitful exchange and an inspirational debate that focused on practical aspects of the work and experiences of NEBs and other key stakeholders.

The **THIRD SESSION** of the seminar aimed at putting the Directives into context and discussing potential developments.

Mr. Gabriel Toggenburg from the EU's Fundamental Rights Agency (FRA) underlined the FRA's important role in providing information and data to European and national legislators and policy makers. The FRA's contribution to the joint report is, therefore, finalised using a strong social sciences approach albeit naturally touching upon legal issues as well.

Using data from Eurobarometer as well as the FRA's EU-MIDIS survey and the recently published LGBT survey Mr. Toggenburg pointed to the lack of rights awareness and adequate access to justice as key concerns. He called for better awareness raising, procedural and institutional reform, stronger positive action, the collection of disaggregated data and a horizontal and vertical alignment of standards to move forward and provide better protection against discrimination.

In a very inspiring speech, **Professor Olivier De Schutter** took a broader perspective and encouraged participants to read the Directives in light of the general human rights legislation and to increasingly pay attention to, refer to and use the case law of the European Court of Human Rights and other international human rights courts (e.g. the European Committee of Social Rights). This appears to be especially important in order to provide the highest standard of protection in cases of different interpretation from different courts.

Professor De Schutter also presented three specific issues that, in his view, will have a crucial importance in the near future for the work of equality bodies. First, equality bodies will need to be ready to further explore questions of indirect discrimination especially in the light of extending the scope of the requirements to provide reasonable accommodation on other grounds.

Second, he advised stakeholders to move away from the traditional binary view of discrimination and non-discrimination and to focus on identifying best practice examples. This will gain importance in particular in cases concerning areas such as traveller lifestyle, where states will have to find solutions to ensure a real choice between integration and preserving their traditional lifestyle.

Third, Professor De Schutter called for more empirical work and evidence on the benefits of equality, to indicate in a powerful way that equality is more than a mere legal requirement and it provides wide societal benefits.

In her **CLOSING** remarks, **Ms. Anne Gaspard**, the Executive Director of Equinet, expressed her hope that the seminar provided participants and speakers with an interesting opportunity to exchange views and experiences.

The feedback from participants has been very positive. If you wish to know more about the event please check its [dedicated webpage](#) where you will find the detailed training program, most of the presentations and other useful material.

To keep up to date with the latest developments from equality bodies and Equinet, we encourage you to subscribe to our newsletter (on the homepage of the Equinet website www.equineteurope.org) and follow us on Facebook (facebook.com/EquinetEurope) and Twitter (@equineteurope).