

Progress made in equal opportunities and non-discrimination in the EU (transposition of Directives 2000/43/EC and 2000/78/EC)

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The Committee on Employment and Social Affairs adopted the own-initiative report by Elizabeth LYNNE (ALDE, UK) on progress made in equal opportunities and non-discrimination in the EU since the transposition of Directives 2000/43/EC and 2000/78/EC, recalling that these two directives provide minimum requirements and that they should be the foundation on which a more comprehensive Community anti-discrimination policy is built.

For a better transposition: concerned about the incorrect transposition and the insufficient implementation of these texts in some Member States, MEPs call on the EU to ensure that Directives 2000/78/EC and 2000/43/EC are fully, correctly and effectively transposed and adequately implemented, and that any exemptions are objectively justified. They call on all the competent authorities of the EU and the Member States to improve the coordination of their efforts of implementation, and call for a unified approach to combating discrimination that is inclusive of, and takes into account, all grounds for discrimination at the same time. They also call on the Commission to draw up interpretive guidelines for implementation of these two directives to ensure the full and correct implementation by Member States. Further to this, MEPs urge that sanctions be applied to infringements of national provisions adopted pursuant to the transposition of Directives 2000/43/EC and 2000/78/EC and ask the Commission to assure that the legislation resulting from the transposition is complied with, and that it continues to put pressure on Member States by way of infringement procedures. Moreover, MEPs ask for an annual evaluation of the implementation of these texts by Member States.

Combating diverse forms of discrimination: MEPs believe that the absence of a provision in Directive 2000/78/EC indicating the necessity for broad definitions of **disability** has excluded some categories of disabled people from the legal protection of the Directive. They, therefore, invite Member States and the Commission to agree sufficiently broad definitions of disability urgently, in order to facilitate the harmonisation of anti-discrimination legislation. They consider that exceptions linked to marital status in Directive 2000/78/EC have limited the protection against discrimination on the grounds of **sexual orientation** offered by the Directive. On the whole, MEPs urge the Member States to promote more effectively the application of the rights of citizens of the Union under the Directives 2000/43/EC and 2000/78/EC, and call for the establishment of national integrated action plans against all forms of discrimination. In addition, it is necessary to improve awareness of rights under those Directives and to ensure that victims of discrimination have access to a range of advocacy support. Moreover, equal treatment and opportunities under employment and social inclusion policies must be ensured, by addressing **discrimination in recruitment procedures**. MEPs also call for an end to all discrimination based on the employment contract by guaranteeing all workers: equal treatment, health and safety protection, provisions for working and rest time, freedom of association and representation, protection against unfair dismissal, collective bargaining and collective action.

Better awareness of rights and prevention of discrimination: MEPs insist that Member States empower independent, specialised equality bodies with the means to provide an effective help for victims of discrimination. They are concerned about the low level of awareness of anti-discrimination legislation among citizens in the Member States and call on the Commission, the Member States, trade unions and employers to step up their efforts to raise that level of awareness.

Helping victims: Member States are called upon to ensure that statutory and non-statutory bodies that participate in the prevention of discrimination and that support the victims of discrimination are adequately resourced. In any case, Member States should ensure that victims of discrimination are automatically assisted in legal proceedings, if necessary by public funding through national legal aid schemes. They call on the Commission to support the adoption of such measures through the Progress programme and the European Social Fund.

Enlarging the scope of application of antidiscrimination directives: MEPs strongly believe that the material scope of any directive concerning combating discrimination within the meaning of Article 13 of the EC Treaty must be broad, covering all the areas that fall under Community competence such as education, life-long learning, social protection, housing and healthcare, images of discriminated groups in the media and advertising, physical access to information for people with disabilities, telecommunications, electronic communication, transport modes and public spaces, social advantages and access to and supply of goods and services which are available to the public. Furthermore, they believe that any new directive should also develop the scope of Council Directive [76/207/EEC](#) on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions so that it is consistent with the protection of other groups against discrimination. More generally, MEPs believe that combating discrimination necessitates a holistic approach to raising public awareness, which must be developed beginning with suitable programmes in schools.

Towards a new Directive based on Article 13 of the Treaty: MEPs call on the Commission to include provisions explicitly designed to combat multiple discrimination in any future legislation adopted under Article 13 of the EC Treaty. They consider that Directive 2000/43/EC is the foundation upon which a comprehensive antidiscrimination framework for measures relating to the prohibition against discrimination on the basis of race or ethnic origin can be built. The Commission is also called to produce a common, EU-wide definition of the meaning of positive action. MEPs welcome the Commission's intention to draft a comprehensive directive to combat discrimination under Article 13 of the EC Treaty as provided in its 2008 work programme. For MEPs, any new Directive will have to prohibit all forms of discrimination, including direct and indirect discrimination in all areas already covered by Directives 2000/43/EC and 2000/78/EC, discrimination by association or private clubs, discrimination linked to perceived membership of a protected group and harassment. They believe that the Directives should make clear that there is no hierarchy between the different forms of discrimination and suggest that the Commission promote the implementation of the principles of non-discrimination and equality which are not dependent on complaints being made by individual victims. In addition, MEPs believe that the differences in treatment based on nationality or language, which are neither objectively and reasonably justified by a legitimate aim nor achieved by appropriate and necessary means, may constitute indirect discrimination on the grounds of racial or ethnic origin contrary to Directive 2000/43/EC. Any future legislation under Article 13 of the EC Treaty must include an obligation to consult and include NGOs, independent specialised equality bodies, and representative national organisations in regard to its drafting, the transposition process and the monitoring of its implementation. It should also include a requirement that Member States implement equality mainstreaming in all policies, that service providers be systematic in their approach to equality, and that service providers provide special treatment to members of minority groups. The future proposal should also address remedies and enforcement of the law.

Discrimination with regard to the Roma community: MEPs object to the discrimination of which the Roma community is victim. They call for specific social protection for these people, as well as measures in the areas of education, health, housing, employment and women's rights. They also recommend high-quality education for Roma children.

Treaty of Lisbon: lastly, MEPs stress the importance of horizontal implementation and mainstreaming of the non-discrimination clause of the Treaty of Lisbon after it comes into force. Equal opportunities and

non-discrimination must be integrated in the Lisbon Strategy for growth and employment, in the guidelines for the open method of coordination on social inclusion, and in national reform programmes, as well as in the regulations governing the structural funds.