Framework strategy for non-discrimination and equal opportunities for all

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PURPOSE : to present a framework strategy for non-discrimination and equal opportunities for all.

CONTENT: This Communication follows on from the Green Paper on “Equality and non-discrimination in an enlarged EU” (COM (2005)0379) and takes account of the comments and reactions submitted by national authorities, specialised equality bodies, non-governmental organisations, regional and local authorities, the social partners, experts and individual members of the public. (In total, over 1 500 contributions were received.) The consultation confirmed the high level of interest in and support for EU action in this area, as well as for specific action to promote gender equality. The vast majority of written responses to the Green Paper highlighted the added value of EU funding in supporting policy development and implementation of anti-discrimination legislation. The three main priorities identified for future EU funding were information and awareness-raising, analysis and monitoring of the impact of anti-discrimination legislation and networking between groups involved in the fight against discrimination.

This Communication sets out a forward-looking strategy to promote non-discrimination and equal opportunities for all in the EU. The Commission will present a communication dealing in more detail with gender equality in 2006.

Ensuring effective legal protection against discrimination across the EU is a central part of this strategy. This involves ensuring the full transposition of EC anti-discrimination legislation by all Member States. It also requires a range of complementary measures, particularly in order to ensure that people are aware of their rights and are able to get access to justice. The Commission envisages the following measures:

Ensuring effective legal protection against discrimination:: The Commission is concerned to note that some important provisions of Directives 2000/43/EC and 2000/78/EChave not yet been fully transposed into national law in all Member States, and has already launched infringement procedures against a number of Member States. In addition to legislative transposition, further measures will continue to be required for some time in order to ensure that anti-discrimination legislation is effectively implemented and enforced across the EU. Priority areas for action include:

-targeted training and capacity-building actions for specialised equality bodies, judges, lawyers, NGOs and the social partners;

-networking and exchanges of experience between relevant stakeholders;

-awareness-raising and dissemination of information concerning the provisions of European and national anti-discrimination law.

In order to be effective, such measures will require concerted efforts by all of the relevant stakeholders at the European, national and regional levels. EU support will be made available, where appropriate, through the Community action programme to combat discrimination and, after 2007, through the PROGRESS programme.

Assessing the need for further action to complement the current legal framework: the Commission is not proposing to come forward at this stage with further legislative proposals based on Article 13 of the Treaty. However, the Commission will undertake an in-depth study into the relevance and feasibility of

possible new measures to complement the current legal framework. This study will examine national provisions, which go beyond the requirements of the EC Directives, in Member States and in some third countries. It will consider the relative merits of legislative and non-legislative measures. It will also produce a synthesis of cost/benefit analyses of different policy options carried out at the national level. The results of the study will be made available in autumn 2006. On the basis of this material, the Commission will assess the feasibility of possible new initiatives to complement the current legal framework.

Mainstreaming non-discrimination and equal opportunities for all: the Commission is committed to the development of tools to promote mainstreaming of non-discrimination and equal opportunities for all in relevant EU policies. It will also produce biennial reports on the situation of people with disabilities (first report 2005).

Promoting and learning from innovation and good practice: In line with the mainstreaming approach, the Commission will aim to ensure that a range of EU funding instruments contribute to the promotion of non-discrimination and equal opportunities for all. In particular, it will seek to promote exchanges of good practice, cooperation and networking between national authorities, specialised equality bodies, organisations working with victims of discrimination, and other stakeholders.

Building on the innovative approaches to preventing labour market discrimination developed through the EQUAL Community Initiative, the European Social Fund should play an increasingly important role in this area. The PROGRESS programmewill complement the work of the ESF in the fields of gender equality and anti-discrimination by financing studies, awareness-raising, exchanges of good practice, networking, monitoring and evaluation. Following on from the current Socrates, Leonardo and Youth Programmes, the new generation of programmesin the area of education, training and youth can make a valuable contribution to the promotion of non-discrimination and equal opportunities for all.

Improving the collection of data related to discrimination will be essential for the monitoring the implementation of EC anti-discrimination legislation. The Commission will work to develop better statistical tools to evaluate the incidence of discrimination. It will publish a handbook setting out practical guidance on the collection of data related to discrimination in 2006. The Commission will also soon come forward with proposals to establish a new Fundamental Rights Agency.

Raising awareness and cooperating with stakeholders: In order to drive forward the agenda outlined in this Communication for a more positive approach to equality, the Commission is proposing to designate 2007 as European Year of Equal Opportunities for All. The European Year will help to raise awareness, focus political attention and mobilise key stakeholders. The Year will focus on four main priority objectives: rights; recognition; representation, and respect.

The Year will aim to inform people of their rights to protection against discrimination under European and national law; celebrate diversity as an asset for the EU; and to promote equal opportunities for all in economic, social, political and cultural life.

A special effort to tackle discrimination and social exclusion faced by disadvantaged ethnic minorities: One issue of particular concern is the situation of the Roma. The Commission has repeatedly highlighted the difficult conditions faced by Roma communities in Member States, candidate countries and acceding countries. The Roma continue to experience particularly severe forms of exclusion and discrimination in education, employment, housing, healthcare and other areas. Furthermore, the EU needs to develop appropriate responses to the different needs of new migrants, established minorities of immigrant origin and other minority groups. In order to support policy development in this area, the Commission plans to establish a high level advisory group on social and labour market integration of disadvantaged ethnic minorities.

Enlargement, relations with third countries and international cooperation: The pre accession financial instrumentswill continue to provide EU funding to promote non-discrimination and equal opportunities in countries that are preparing for membership of the EU. Anti-discrimination and human rights concerns are also reflected in the European Neighbourhood Policy (ENP) and the first wave of Action Plans covering relations with Jordan, Moldova, Morocco, Tunisia, Ukraine, Israel and the Palestinian Authority. The Cotonou Agreement between the EU and 78 African, Caribbean and Pacific (ACP) countries sets out the signatories' obligation to ensure respect for human rights, which are an essential element of the Agreement, and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion. Non-discrimination is the subject of regular political dialogue between the EU and its ACP partners. The EU will pursue cooperation with relevant international organisations, including the UN, the Council of Europe and the OSCE. The framework of international treaties and declarations dealing with non-discrimination and equal opportunities form an important reference framework for ongoing work within the EU, as well as for the Union’s relations with third countries.