Framework strategy for non-discrimination and equal opportunities for all

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The European Parliament adopted a resolution based on the own-initiative report drafted by Tatjana **ŽDANOKA** (Greens/EFA, LV) in response to the Commission communication on a framework strategy for non-discrimination and equal opportunities for all. The report was adopted by 390 votes in favour to 222 against with 47 abstentions. It stated that discrimination largely stemmed from ignorance (and hence fear) of other people. The problem should therefore be tackled at source, by means of targeted actions designed to foster tolerance and diversity from early childhood. The Socrates, Leonardo and Jeunesse programmes had a crucial role to play in this connection.

General considerations: In addition to legislative tools and means of redress, the fight against discrimination must of necessity be based on education, the promotion of best practices and campaigns targeting the general public. Parliament stressed that the fight against discrimination should also be based on an awareness of the social (and also the economic) impact of the phenomenon. It was essential to give a clear definition of positive action and to stress that positive action was not positive discrimination. Concrete examples of positive action might include, for example: overhauling recruitment policies and practices to identify and remove those that lead to discrimination; taking steps to bring opportunities to the attention of disadvantaged groups; setting targets to improve the representation of disadvantaged groups within the workforce; or providing assistance to help disadvantaged groups to participate in society as a whole.

Parliament welcomed the Commission initiative to launch a European Year of Equal Opportunities in 2007 but regretted the fact that inadequate funds were allocated to the Year in view of the importance of the fight against discrimination.

It went on to deplore the fact that the Charter of Fundamental Rights had not yet been made legally binding. The Commission should carry out a discrimination impact assessment on every legislative proposal to ensure policy consistency across the Commission DGs. The Agency for Fundamental Rights should be closely involved in the impact studies carried out in this connection.

Parliament considered that if blatant inequalities of an "endemic", "structural or even "cultural' nature were to be remedied, it might be necessary in certain cases for a temporary exception to be made to the concept of equality based on the individual in favour of group-based "distributive justice" through the adoption of "positive" measures. It pointed out that the concepts of "positive action", "affirmative equality" and "distributive justice" reflected one and the same reality, the basis of which was an acknowledgement of the fact that in certain cases, effective action to combat discrimination required active intervention by the authorities for the purpose of restoring a seriously compromised balance. Intervention of this kind must not be regarded as a form of discrimination (not even as a "positive" form) and the concept of positive action could not be reduced to the idea of a quota.

Parliament called on those Member States which do not already have such bodies to set up, at national level, a specialised administrative body for equality and the fight against discrimination, which should be independent and should receive the necessary resources to enable them to help victims of discrimination in their dealings with courts and tribunals. Any downgrading of such bodies should be considered as an incorrect implementation of the anti-discrimination directives. Parliament asked the Commission carefully

to evaluate the situation in Member States in this regard, and notably the Polish government's decision to abolish the Office of Plenipotentiary for Equal Status, the institution charged with combating discrimination and promoting equality for all.

Collection of data: Far from constituting an obstacle to the collection of data relating in particular to ethnic origin and to religion, Directive 95/46/EC provided necessary protection against any abuse of sensitive data collected for statistical purposes. Parliament felt that, notwithstanding cultural, historical or constitutional considerations, data collection on the situation of minorities and disadvantaged groups was critical and that policy and legislation to combat discrimination must be based on accurate data. It called upon the Member States to develop their statistics tools with a view to ensuring that data relating to employment, housing, education and income were available for each of the categories of individual which were likely to suffer discrimination based on one of the criteria listed in Article 13 of the EC Treaty.

Need for supplementary legislation: Parliament greatly regretted the fact that the Commission was not planning at this stage to draw up comprehensive legislation to combat discrimination. It insisted that a new legislative tool incorporating all the grounds for discrimination set out in Article 13 of the EC Treaty and having the same scope as Directive 2000/43/EC be submitted before mid-2007. It moved on to say that traditional national minorities urgently needed a framework policy standard for their effective participation in decision-making processes concerning their identity. They also needed to be protected by various forms of self-government or autonomy to overcome the double standards established by the Copenhagen criteria on the one hand and the lack of any rules in the Member States on the other.

Parliament called upon the Commission to fulfil its obligations as guardian of the Treaties and to undertake urgent action against Member States that have failed to transpose EC law prohibiting discrimination on the basis of Article 13 of the EC Treaty, such as Directives 2000/43/EC and 2000/78 /EC. The new Member States which have not transposed the anti-discrimination directives must be subject to infringement proceedings for violating EC law in the same way as the old Member States.

Finally, Parliament called on the Council to adopt the Commission's proposal for a Council framework decision on combating racism and xenophobia, which set out to establish a framework for punishing racist and xenophobic violence as a criminal offence.