Basic information

2005/2008(INI) INI - Own-initiative procedure	Procedure completed
Protection of minorities and anti-discrimination policies in an enlarged Europe **Subject** 1.10 Fundamental rights in the EU, Charter 7.30.08 Action to combat racism and xenophobia	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MORAES Claude (PSE)	25/11/2004

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	MATSOUKA Maria (PSE)	11/10/2004
CULT Culture and Education	PORTAS Miguel (GUE/NGL)	01/02/2005
FEMM Women's Rights and Gender Equality	BAUER Edit (PPE-DE)	17/03/2005

Key events

Date	Event	Reference	Summary
24/02/2005	Committee referral announced in Parliament		
26/04/2005	Vote in committee		Summary
10/05/2005	Committee report tabled for plenary	A6-0140/2005	
07/06/2005	Debate in Parliament		
08/06/2005	Decision by Parliament	T6-0228/2005	Summary
08/06/2005	Results of vote in Parliament		
08/06/2005	End of procedure in Parliament		

Technical information

Procedure reference	2005/2008(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/25783

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	EMPL	PE355.468	20/04/2005	
Committee opinion	FEMM	PE355.801	20/04/2005	
Committee opinion	CULT	PE355.464	21/04/2005	
Committee report tabled for plenary, single reading		A6-0140/2005	10/05/2005	
Text adopted by Parliament, single reading		T6-0228/2005 OJ C 124 25.05.2006, p. 0264-0405 E	08/06/2005	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2004)0379	28/05/2004	Summary
Non-legislative basic document	COM(2005)0224	01/06/2005	Summary
Document attached to the procedure	SEC(2005)0689	01/06/2005	Summary

Protection of minorities and anti-discrimination policies in an enlarged Europe

2005/2008(INI) - 28/05/2004 - Document attached to the procedure

This Green Paper sets out the European Commission's analysis of the progress that has been made over the last five years when the EU was granted new powers in the areas of discrimination on grounds of sex, racial or ethnic origin, religion or belief, age, disability and sexual orientation.

It seeks views about how the EU can continue and reinforce its efforts to combat discrimination and to promote equal treatment. In so doing, it responds to calls from the European Parliament and others to organise a public consultation on the future development of policy in this area.

The European Parliament and civil society organisations have played a pivotal role in advancing the EU's anti-discrimination agenda to date. National authorities have also been of crucial importance in defining and delivering this policy agenda. Other stakeholders include specialised bodies responsible for the promotion of equality in the Member States, regional and local authorities, employers, trade unions, experts and academics.

The Commission hopes that all of the relevant stakeholders will play an active role in the consultation exercise launched by this Green Paper. Given the importance of antidiscrimination policies for everyone living in the European Union, the Commission would also welcome reactions from members of the public.

Section 2 of this Green Paper takes stock of what the EU has done during the last five years to combat discrimination and to promote equal treatment. It looks at how these initiatives relate to other policy developments at European and international levels.

Section 3 examines new challenges that have emerged in recent years, including those linked to the enlargement of the EU. It assesses the implications of this changing context for policy development in the field of non-discrimination and equal treatment.

The collection of responses to the Green Paper was to be principally using an on-line questionnaire and was scheduled between 1 June 2004 and 31 August 2004.

The results of the consultation exercise will help to shape the European Commission's future policy strategy with regard to non-discrimination and equal treatment. They will feed into the reflections of the new Commission taking office in November 2004. They will be taken into account in the drafting of the EU's new Social Policy Agenda, which should be approved during 2005. The Commission will also take account of the outcome of this public consultation in reports that it is required to submit to the European Parliament and the Council during 2005 and 2006 on the implementation of the anti-discrimination Directives and Programme.

Protection of minorities and anti-discrimination policies in an enlarged Europe

2005/2008(INI) - 01/06/2005 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information concerning the background to this issue, please refer to the summary of the Commission’s initial proposal COM(2005)0224 of 1 June 2005 concerning Non-discrimination and equal opportunities for all – a framework strategy.

1. POLICY OPTIONS AND IMPACTS: The Commission examined the four policy options that follow:

1.1- Taking no further action at EU level to tackle discrimination. The Commission has concluded that it would not be appropriate to discontinue work at the EU level to tackle discrimination on grounds of racial or ethnic origin, religion or belief, age disability and sexual orientation. The principle of non-discrimination is a core value of the EU.

1.2- Developing further measures to ensure the full implementation and enforcement of the current legal framework. The Commission notes that the EU has some of the most advanced anti-discrimination legislation in the world, but that evidence from legal experts, NGOs and other sources indicates that this legislation is not yet operating to its full effect. The Commission, therefore, considers that further efforts should be made in order to ensure the effective implementation and enforcement of the current legal framework. These efforts should include: completing the process of transposition into national law; the establishment of effective specialised equality bodies in all Member States; additional training and awareness-raising measures.

1.3- Coming forward with new legislative proposals based on Article 13 of the EC Treaty. The Commission is aware of the demands from certain stakeholders to take action to address the differences in the level and scope of protection against discrimination on different grounds. However, the Commission has also taken note of the concerns expressed by several respondents to the Green Paper consultation, particularly by some Member States. These contributions stressed the need to ensure the full implementation of the existing acquis before moving on to new challenges, as well as for further study into the costs and benefits of action to tackle discrimination on a range of grounds outside the field of employment. The Commission has concluded that it would be premature to come forward at this stage with further legislative proposals based on Article 13 of the Treaty.

1.4- Actively promoting the principles of non-discrimination and equal opportunities for all. The framework strategy envisages the development of tools to promote the mainstreaming of non-discrimination in other areas of EU policy, building on experience to date with the practice of gender mainstreaming.

CONCLUSION: In selecting the fourth option, **the Commission considers that, in addition to the protection of individual rights to protection against discrimination, positive measures are necessary in order to address the complex and deep-rooted patterns of inequality experienced by some groups**

IMPACTS: The impacts of this anti-discrimination and equal opportunities for all strategy will result from the implementation of the proposed measures, which are very different in nature. It is important to note that the framework strategy relies to a large extent on ensuring the more effective and focused use of existing instruments, rather than the development of new instruments.

The framework strategy aims to achieve a common level of protection across the EU against discrimination on grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation. The key objective is to maximise the impact of the two anti-discrimination Directives that were adopted in 2000. This will be achieved by completing the process of transposition and by supporting a range of complementary activities, including capacity building, training and awareness-raising.

The impact of the framework strategy in terms of social cohesion is linked to the active promotion of equal opportunities for all, including the social inclusion and labour market integration of disadvantaged groups. Measures to combat discrimination will support the EU's broader efforts to raise the employment rates of minorities, the disabled, younger and older workers, and other vulnerable groups. The framework strategy aims to achieve a positive economic impact by removing the barriers to participation faced by some groups.

The awareness-raising measures proposed (particularly the European Year of Equal Opportunities for All) are intended to raise the level of knowledge of rights to protection against discrimination under European and national law. They also aim to make a broader impact on public opinion, by challenging discriminatory attitudes and behaviour, as well as highlighting the positive benefits of diversity for the economy and for society as a whole.

2- FOLLOW-UP: Several specific follow-up actions are envisaged. These include:

- The designation of 2007 as European Year of Equal Opportunities for All,
- The organisation of an annual High Level Equality Summit bringing together key stakeholders,
- The establishment of a High Level Advisory Group on the Social and Labour Market Integration of Minorities,
- The development of tools to promote mainstreaming of non-discrimination and equal opportunities for all in relevant EU policies, and
- The publication of a handbook on data collection and discrimination.

The framework strategy and the various initiatives set out in the Communication will be subject to ongoing monitoring and evaluation by the relevant Commission services. Meetings will be organised on a bi-annual basis with representatives of national authorities, specialized equality bodies, civil society organisations, the social partners and other stakeholders to seek their views on progress with the implementation of the strategy. The network of legal experts financed through the Community action programme to combat discrimination will continue to monitor the state of transposition and implementation of EC anti-discrimination legislation.

External evaluators will assess the relevance, effectiveness and impact of the actions supported through the Community action programme to combat discrimination, the future PROGRESS programme and the European Year of Equal Opportunities for All.

Protection of minorities and anti-discrimination policies in an enlarged Europe

2005/2008(INI) - 01/06/2005

This Commission communication on the non-discrimination and equal opportunities for all - A framework strategy follows on from the Green Paper on Equality and non-discrimination in an enlarged EU adopted by the European Commission on 28 May 2004. It 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.

The Commission will closely monitor the implementation of the framework strategy and the initiatives set out in this Communication. It will call on external expertise, where appropriate, in order to evaluate progress made and the impact of specific activities. In the interests of transparency, the Commission will organise regular meetings with key stakeholders, including national authorities, specialised equality bodies, civil society organisations and the social partners in order to seek their views and to encourage their active involvement in the promotion of non-discrimination and equal opportunities for all.

More specifically, the main actions in this communication are as follows:

- to ensure effective legal protection against discrimination :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;

- to assess 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, it 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 : two types of actions are proposed : the development of tools to promote mainstreaming of non-discrimination and equal opportunities for all in relevant EU policies and the publication of biennial reports on the situation of people with disabilities (first report 2005);

- promoting and learning from innovation and good practice : the Commission 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. The Commission intends to carry out an independent evaluation of the Community action programme to combat discrimination (2005) and publish a Handbook on the collection of data related to discrimination (2006);

- raising awareness and cooperating with stakeholders :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
- Respect

This 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. The Commission is convinced of the need to involve all of the relevant European and national-level stakeholders in order to ensure the effective implementation of the principle of non-discrimination across the EU. It proposes, therefore, to organise an annual, high level "Equality Summit" involving Ministers, heads of national Equality Bodies, Presidents of European-level NGOs, the European social partners and representatives of international organisations. This Equality Summit would take place for the first time in early 2007, to

coincide within the launch of the European Year of Equal Opportunities for All;

- 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. In order to support policy development in this area, the Commission plans to establish a highlevel advisory group on social and labour market integration of disadvantaged ethnic minorities. This group shall meet for the first time in early 2006;

- enlargement, relations with third countries and international cooperation : the Commission will continue to promote non-discrimination and equal opportunities for all in the context of enlargement, as well as relations with third countries. Other actions aim to increase cooperation with international organisations, with a view to ensuring coherence, complementarity and a clear division of labour.

Protection of minorities and anti-discrimination policies in an enlarged Europe

2005/2008(INI) - 08/06/2005 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Claude MORAES (PES, UK) on the protection of minorities and anti-discrimination polices in the enlarged EU. (Please see the summary of 26/05/2005.) The main points of the resolution are as follows:

The political dimension and the urgent need for anti-discrimination policies and minority protection: Parliament felt that minority issues in the Union have not been high enough on the agenda of the Union and now need to be given greater attention. It pointed out the inconsistency of policy toward minorities - while protection of minorities is a part of the Copenhagen criteria, there is no standard for minority rights in Community policy nor is there a Community understanding of who can be considered a member of a minority. A definition should be based on the Council of Europe Recommendation 1201(1993). It is clear that no single solution exists for improving the situation of minorities in all the Member States. Some common and minimum objectives for public authorities in the EU should be developed, taking account of past experience, in particular the best practices and the social dialogue underway in many Member States and certain international conventions.

The shortcomings in the Member States' responses to the measures based on Article 13 of the EC Treaty: Parliament was concerned about the unsatisfactory state of implementation of anti-discrimination policies. All Member States were urged to step up the implementation of these policies, in particular with regard to Directive 2000/43/EC and Directive 2000/78EC. In addition, the Commission should include as one of the objectives of the 2007 European Year of Equal Opportunities for All the need to find an adequate solution to various problems. These include late or incomplete transposition by Member States and the failure to set up equality bodies.

Furthermore, obstacles to the integration of third-country nationals need to be eliminated. Parliament called for greater coordination of national integration policies and EU initiatives in this field. Common basic principles for a coherent European framework for integration should include the fact that integration is a continuous two-way process involving both legally resident third-country nationals and the host society.

Minorities discriminated against on multiple grounds, including race, ethnic origin, sexual orientation, religion, disability and age: Parliament warned against the possible discriminatory side-effects of measures against crime and terrorism, as there is evidence that ethnic minorities are five to six times more likely to be the target of police action, identity checks, etc. EU institutions, the Member States, all European democratic political parties, and civil society should condemn all acts of anti-semitism and anti-Muslim and anti-Christian behaviour, the revival of holocaust denial theories, the denial and trivialisation of acts of genocide, crimes against humanity and war crimes. They should also condemn incitement to racial hatred and homophobic violence, by both the state and private individuals.

Discrimination on grounds of gender: Parliament was deeply disappointed to note that, after a quarter of a century of equal treatment policies, the gender pay gap has hardly closed at all. It called for the development of a methodology for examining the interaction of ethnicity and gender and identifying forms of multiple discrimination and their effect on women and girls, so that this methodology may serve as the basis on which legal instruments, policies and programmes are designed and implemented.

Parliament drew attention to the multiple discrimination of migrant women or those belonging to national minorities (especially to the Roma/Sinti minority), and said a coherent policy approach was required.

The Roma community: This community needs special protection since, with the enlargement of the Union, it is one of the largest minorities in the EU and, as a community, it has been historically marginalised and prevented from developing in certain key areas and notes that Roma culture, history and languages are often neglected or denigrated.

The most manifest disadvantages could also be addressed by:

- the implementation of joint integration projects between the Member States where members of this community live;

- promoting common projects financed out of the European Regional and Development Fund;

- promoting knowledge of the language of the countries where members of this community live and supporting the preservation of Roma languages and cultural heritage, as a way of strengthening their own culture and self-image,

- improving access to employment, housing, social services and pension schemes.

New and settled immigrants – Parliament felt that recent immigrants may experience specific kinds of discrimination, which will differ in some respects from the discrimination faced by settled ethnic-minority EU citizens of the second, third and fourth generations of immigrants. It also felt important to distinguish between minorities of recent immigrant origin and those traditional national and ethnic minorities who are indigenous to the territory in which they live.

The resolution went on to deal with linguistic minorities, traditional or ethnic minorities living on the territory of a Member State, and stateless persons permanently residing in the Member States. Parliament suggested several additional legislative measures, as well as future economic and financial measures. The Union should complement the action of the Member States at local, regional and national level with adequate financing. There must be a comprehensive strategy to combat minority discrimination with the help of the Structural Funds, the Cohesion Fund, the European Social Fund (ESF) and the Equal Community Initiative in particular.

Finally, Parliament called for Implementing measures and a proper feedback mechanism. Data should be collected on direct and indirect discrimination (i.e. the percentage of people belonging to national minorities among those living at risk of poverty and among the employed and unemployed, their level of education, etc.) so as to ensure proper feedback on the effectiveness of Member State anti-discrimination and minority-protection policies.