



25.3.2010

NOTICE TO MEMBERS

Subject: Petition 1274/2009 by Rachel Mullen (Irish), on behalf of the Equality and Rights Alliance, concerning staff cuts by the Irish Government affecting the activity of the Equality Authority

1. Summary of petition

The petitioner argues that massive staff cuts by the Irish Government are undermining the effectiveness of the Equality Authority and its ability to fulfil its tasks adequately and monitor European legislation with regard to equal opportunities and non-discrimination on grounds of race and gender.

2. Admissibility

Declared admissible on 11 December 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 25 March 2010.

The Commission has been monitoring the situation concerning the cuts to Ireland's national equality body. It has analysed the ERA's original complaint and accompanying documents in detail.

The Commission has always considered the Equality Authority in Ireland with the greatest regard. It is a model of good practice and a fine example of how a national equality body can further the principle of non-discrimination enshrined in the equality Directives. It is, therefore, with much regret that the Commission learnt about the budget of the Equality Authority being reduced to the levels reported. However, in the absence of more conclusive proof of a breach of European law, the Commission does not propose to pursue this matter further.

Directives 2000/43/EC, 2002/73/EC, 2004/113/EC and 2006/54/EC all contain requirements on the Member States to set up equality bodies. Member States must ensure that the competences of their equality bodies include independent assistance to victims of discrimination, the conducting of independent surveys concerning discrimination and the publishing of independent reports. Implicitly, in order for the national equality bodies to perform these functions, they should have sufficient resources to perform all the tasks required of them under the Directives. However, the Directives are minimum-standards Directives only and do not specify a particular level of funding or a particular organisational structure. It is for the Member States to decide how to implement the minimum standards set out in the Directive and to ensure they are fully compliant with their Community law obligations. For the time being, based on the evidence presented by the ERA, the Commission is not convinced that the current level of budget is an obstacle to the full performance of the tasks provided for by the Directives.

The Commission asked ERA to present any new and material information which clearly demonstrates an infringement of European law, failing which the Commission would propose to close this matter. The Commission received and reviewed the document "Downgrading Equality and Human Rights: Assessing the Impact". However, this report does not contain any evidence for concluding that the budget cuts have resulted in the Equality Authority being unable to carry out its tasks as set out in the Directive.