

Standards for equality bodies

Discrimination under Article 19 TFEU grounds

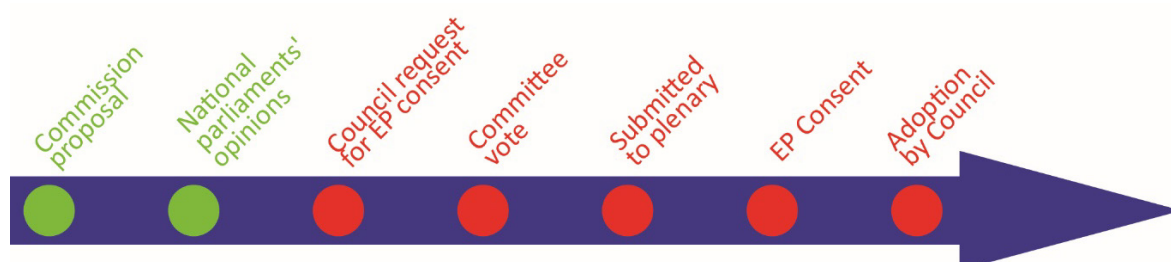
OVERVIEW

Several EU directives dealing with equality require EU Member States to establish equality bodies with a focus on assisting victims of discrimination and preventing and fighting discrimination on the grounds listed under the directives. However, their rules are too general and have no precise definition of these bodies' duties and manner of operation, thus leading to disparities among the Member States' bodies. Additionally, the work of some Member States' bodies has been hampered by lack of resources, insufficient independence or a narrow remit.

In 2018, the European Commission adopted a recommendation on standards for equality bodies. Later, after assessing its implementation, it decided to shift to binding legislation. In a package of legislative measures on equality, in December 2022 it published a proposal setting standards for equality bodies fighting discrimination on several grounds. A second proposal, under the ordinary legislative procedure, focuses specifically on equality between men and women in the employment field. The proposal reinforces the equality bodies' independence, resources and mandate. While generally welcoming the proposal, stakeholders have suggested specific changes to its provisions.

Proposal for a Council directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC

<i>Committee responsible:</i>	Women's Rights and Gender Equality (FEMM)	COM(2022) 689
<i>Rapporteur:</i>	Sirpa Pietikäinen (EPP, Finland)	7.12.2022
<i>Shadow rapporteurs:</i>	Carina Ohlsson (S&D, Sweden) Irène Tolleret (Renew, France) Kira Marie Peter-Hansen (Greens/EFA, Denmark) Eugenia Rodríguez Palop (The Left, Spain)	2022/0401(APP) Consent procedure (APP) (Unanimity in the Council, consent in Parliament)
<i>Next steps expected:</i>	Drafting of committee report	



Introduction

Equality and respect for human rights, including the rights of persons belonging to minorities, are among the values on which the European Union (EU) is based, as provided by Article 2 of the Treaty on European Union. [Article 10](#) of the Treaty on the Functioning of the European Union (TFEU) enshrines an obligation for the EU to fight discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, when defining and implementing its policies. [Article 19\(1\)](#) TFEU grants the EU legislative powers to fight discrimination under the special legislative procedure (requiring unanimity in the Council and consent in the European Parliament). Article 21 of the [Charter of Fundamental Rights](#) of the EU prohibits discrimination on any grounds, specifically mentioning colour, social origin, genetic features, language, political or any other opinion, membership of a national minority, property and birth, in addition to the grounds cited above.

Nevertheless, discrimination remains widespread in the EU. A 2019 Eurobarometer [survey](#) found that the proportion of persons who think that discrimination is widespread in their country had generally declined since 2015 but remained significantly high. More than half of the respondents considered discrimination based on the following grounds to be widespread in their country: being Roma (61 %), and having a different ethnic origin/skin colour (59 %), or sexual orientation (53 %). Some 35 % of respondents considered that there was discrimination based on sex. When asked about their personal attitudes, [3 %](#) stated that they would feel totally uncomfortable with a woman being elected in the highest political position; this percentage rose to [28 %](#) of respondents across the EU feeling totally uncomfortable with a Roma person holding a top political position.

EU legislation addressing discrimination remains patchy. Furthermore, the EU has adopted legislation to address discrimination on all the grounds listed in the Treaties (see Table 1), but only in the area of employment. For other areas of EU competence, there is anti-discrimination legislation solely related to the grounds of sex and race. A 2008 legislative proposal put forward by the Commission to cover the rest of the grounds and areas remains stuck in the Council due to lack of unanimity. Fragmentation of existing anti-discrimination legislation may also partly explain why EU rules do not explicitly tackle multiple and intersectional [discrimination](#).

One particular measure under existing EU legislation consists of the establishment of equality bodies at national level, tasked with providing assistance to victims and promoting equality more broadly; as mentioned above, though, this provision only applies to sex and racial discrimination. For the other grounds of discrimination, there is no binding EU obligation for Member States to set up equality bodies, even if in practice many do so. Where equality bodies do exist, their work is often hindered by lack of resources, limited independence and a very narrow remit. Some equality bodies do not provide legal advice to victims, and others do not provide it free of charge. Yet others do not engage in mediation and/or conciliation activities. Equality bodies in less than half of the Member States can represent victims, intervene in court to support them, or engage in strategic litigation. This situation clearly points to the need for minimum standards across the EU.

Existing situation

The EU has adopted several pieces of legislation to fight discrimination. This patchiness is due to the existence of several specific legal bases. Equality between women and men in matters of employment and occupation is enshrined in [Article 157 TFEU](#), which provides for application of the ordinary legislative procedure. Conversely, fighting discrimination in other areas falls under [Article 19\(1\)](#) TFEU, according to which the EU can take measures to fight discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, using a special legislative procedure. Taking into account this difference in legal bases, the Commission has made two quasi-identical proposals on equality bodies. This briefing looks at the [proposal](#) based on Article 19 TFEU, which provides for a special legislative procedure. As illustrated by the [2008](#)

[legislative proposal](#) for an EU anti-discrimination directive, still not adopted, this procedure may prove particularly challenging.

Table 1 – Forms of discrimination in different fields, as covered by existing EU legislation

Grounds of discrimination / Field	Employment, occupation, vocational training	Education	Social protection	Access to goods and services	
Legislative procedure	Ordinary legislative procedure	Special legislative procedure (unanimity in the Council and consent of the Parliament), Article 19(1) TFEU			
Gender	2006/54/EC 2010/41/EU	not applicable	-	79/7/EEC	2004/113/EC
Race	not applicable	2000/43/EC	2000/43/EC	2000/43/EC	2000/43/EC
Religion		2000/78/EC	proposed ¹	proposed	proposed
Disability		2000/78/EC	proposed	proposed	proposed
Age		2000/78/EC	proposed	proposed	proposed
Sexual orientation		2000/78/EC	proposed	proposed	proposed

Source: EPRS, based on legislative texts.

Note: The directives that already provide (or, once adopted, should provide) for equality bodies, have been highlighted.

The first piece of EU legislation to introduce a requirement to designate bodies for the promotion of equality with regard to race and ethnicity was the Race Equality Directive ([2000/43/EC](#)) of 2000. The Equality Framework Directive ([Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation) does not include similar provisions. According to the Race Equality Directive, these bodies may be part of national agencies tasked with protecting human rights. They should provide independent assistance to victims of discrimination in pursuing their complaints about discrimination, but should also promote and support equal treatment. Their competences should further include conducting surveys on discrimination, publishing independent reports, making recommendations and exchanging information with relevant EU bodies. Directive [2004/113/EC](#) implementing the principle of equal treatment between men and women in the access to and supply of goods and services contains similar provisions.

In its [analysis](#) of the activity and mandate of existing bodies established under the directives, the Commission found wide divergence in the way national equality bodies operate, particularly with regard to their mandate, powers, independence and resources. Some of these bodies only meet the minimum requirements established in the directives, while others go well beyond those. Moreover, equality mandates under the EU directives are often fulfilled by national human rights or anti-discrimination institutions with broader mandates. This has engendered a [diversity](#) of institutional structures: most EU countries have one multi-equality body dealing with all grounds of discrimination, which is a requirement for national human rights institutions (NHRIs) under the United Nations' [Paris Principles](#)² (see next section). Others have a multi-equality body plus a specific equality body (the latter dealing with single grounds of discrimination such as disability or gender equality). Equality bodies focusing specifically on gender equality exist in [Belgium](#), [Spain](#), [Croatia](#) and Portugal (which has both a [gender equality body](#) and [one](#) that focuses on equality in

employment, including between women and men). Bodies dealing specifically with disability exist in Austria, Croatia and Malta.

Comparative elements

The mandate and operation of equality bodies under EU legislation are similar to those of NHRIs under the Paris Principles, and of equality bodies established in the context of the Council of Europe. As mentioned above, equality bodies under EU law may be part of NHRIs. According to a 2021 Commission [staff working document](#), 'in about half the Member States, equality bodies have multiple mandates'. In these, the equality mandate was often assigned to pre-existing bodies. Currently, out of the 37 institutions designated as equality bodies in EU countries, 13 are also members of the European Network of National Human Rights Institutions ([ENNHRI](#)). NHRIs are state-mandated bodies, independent of the government, with a broad constitutional or legal mandate to protect and promote human rights at the national level. They have international accreditation, provided they comply with the Paris Principles. Twelve of the 13 NHRIs that also act as equality bodies under EU legislation are fully or partially compliant with these principles.

The Paris Principles show the need for applying rigorous standards to the way human rights institutions operate. These standards, outlined by the UN General Assembly in 1993, ([Resolution A/RES/48/134](#)) include:

- guarantees of independence and pluralist representation;
- freedom to consider any questions falling into the competence of the human rights institution;
- the possibility for this institution to be authorised to hear and consider complaints and petitions about individual situations.

In 1997, the Council of Europe's European Commission against Racism and Intolerance ([ECRI](#)) issued a [recommendation](#) on equality bodies to combat racism and intolerance, which it revised in 2017. The recommendation is very detailed and specific on aspects related to equality bodies, such as their establishment, institutional architecture, functions, promotion and prevention competences, supporting and litigation competences, decision-making competences, powers to obtain evidence and information, independence and effectiveness, and accessibility. It provides, among other things, for *de jure* and *de facto* independence of equality bodies, which should be legal entities separate from the executive and the legislature. Their mandate should focus on promotion and achievement of equality, prevention and elimination of discrimination and intolerance, and discrimination grounds covered by the ECRI's mandate (namely: race, colour, language, religion, citizenship, national or ethnic origin, sexual orientation and gender identity, as well as multiple and intersectional discrimination on these grounds and any other grounds such as those covered by Article 14 of the European Convention on Human Rights), while also integrating a gender perspective.³ Equality bodies may also cover additional grounds such as sex, gender, age and disability. Moreover, they should promote equality and prevent discrimination, support those discriminated against, and possibly decide on complaints.

Parliament's starting position

Over time, the Parliament has acknowledged the important role of equality bodies and asked for strengthening them by ensuring their independence and impartiality, enhancing their mandate and securing sufficient resources. Parliament's [resolution](#) of 14 March 2017 on the application of Council Directive 2004/113/EC, which implements the principle of equal treatment between men and women in the access to and supply of goods and services, highlights that the competences of equality bodies with regard to matters under the directive vary. It therefore calls for sufficient competence, independence and resources to be guaranteed to them. It furthermore stresses that giving independent equality bodies the competences to provide free legal aid and the right to represent victims of discrimination would improve assistance to such victims. In a [resolution](#) of

10 November 2022 on racial justice, non-discrimination and anti-racism in the EU, the Parliament urged the Commission to present an ambitious proposal on minimum standards for equality bodies and to adopt concrete legislative measures to strengthen the role and independence of equality bodies in Member States, while also ensuring that they have sufficient funding to perform their tasks.

In a [resolution](#) of July 2022 on intersectional discrimination in the EU, the Parliament called on the Commission to 'operationalise intersectionality in the upcoming directive to strengthen the role and independence of equality bodies'.

Preparation of the proposal

In June 2018, the European Commission adopted a [recommendation](#) on standards for equality bodies, focused on ensuring greater independence and adequate resources and staffing, as well as the capacity of equality bodies to fulfil their function of providing assistance. It encouraged Member States to set up effective coordination and cooperation mechanisms among themselves and internationally. It also recommended that Member States extend the discrimination grounds covered by equality bodies to other grounds, namely those falling within the scope of Directive 2000/78/EC (which does not provide for equality bodies): religion, belief, disability, age or sexual orientation (see Table 1 above). In relation to these grounds, the equality bodies' mandate should also cover employment and occupation, access to and supply of goods and services, education, social protection and social advantages, including hate speech.

The Commission's 2021 [report](#) on the application of the Racial Equality Directive and the Employment Equality Directive and its accompanying [staff working document](#) on the implementation of the Commission recommendation presented unsatisfactory results. According to the staff working document, lack of adequate resources in terms of funding and staff was an issue common to most equality bodies. Other major challenges facing equality bodies included limited public awareness of their existence, limited independence (or insufficient legal safeguards for their independence), and limited ability to be involved in legal proceedings.

The Commission conducted a [public consultation](#) from 10 December 2021 to 18 March 2022. Of the respondents to the Commission survey, 81 % considered that adopting new binding minimum standards for equality bodies would have a positive impact.

On 7 December 2022, as part of the [equality package](#), the Commission adopted two proposals to strengthen equality bodies:

- one on equality between men and women, with Article 157(3) TFEU as its legal basis (ordinary legislative procedure); and
- another on sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation, with Article 19(1) TFEU as its legal basis (special legislative procedure), which is examined in this briefing.

An analytical document and a subsidiarity grid were prepared for each proposal.

The changes the proposal would bring

The proposal establishes minimum requirements for Member States to implement with regard to the mandate and the functioning of their equality bodies set up under Directives 2000/43/EC and 2004/113/EC, and provides for the designation of equality bodies to fight discrimination under the scope of Directives 79/7/EEC and 2000/78/EC. In practical terms, the provisions on the obligation to designate and set up equality bodies contained in the first two directives mentioned above would be removed and incorporated into the proposed directive. The proposed directive would also include provisions on the designation of one or more equality bodies by Member States tasked with tackling discrimination under the scope of the second pair of directives.

According to Article 3 of the proposal, Member States would have to ensure that equality bodies are **independent and free from external influence**. They would have to establish transparent procedures for the selection of staff, particularly managers, to guarantee their competence and independence. When equality bodies are part of human rights agencies with multiple mandates, these bodies would have to have an internal structure (a 'firewall') that would ensure the autonomous exercise of the equality mandate separately from other competences and tasks. Article 4 provides for sufficient human, technical and financial resources for equality bodies, and specifically for the equality mandate within multi-mandate institutions.

The proposed rules on equality bodies' mandate and powers envisage that they:

- would have to fulfil the tasks of **awareness-raising** on risks of discrimination, **prevention** of discrimination, and **promotion** of equal treatment. They would also have to engage in public dialogue and communicate with individuals and groups at risk of discrimination;
- would have to be able to **assist victims of discrimination**. This entails receiving complaints and informing victims about the legal framework and available remedies, including the possibility to go to court. They would have to issue a **preliminary assessment of a complaint** based on information voluntarily submitted by the parties;
- should have the power to **investigate cases of breaches** of the equal treatment principle within the scope of the directives mentioned above, and to **issue a conclusion** in the form of a non-binding opinion or a binding decision. To this end, they should have the right of access to information and the possibility to cooperate with other public bodies. The proposal introduces the option for Member States to impose a legal obligation on the alleged perpetrator or third parties to provide information to equality bodies;
- should have the right to **act in court** as a party, as an *amicus curiae* (i.e. assist the court with information and expertise), or on behalf of victims. In the latter case, they could not provide information collected through their specific powers established by the proposal.

Further provisions regarding equality bodies refer to: cooperation among them at national, EU and international levels and with other entities; the possibility to consult them on legislation and policies; data collection; and publishing of reports (yearly on their activity, and with recommendations at least every 4 years).

Lastly, a non-regression provision bans the use of the proposed directive for the purposes of reducing the level of protection against discrimination already achieved by Member States.

Advisory committees

The European Economic and Social Committee (EESC) issued its [opinion](#) on the proposal on 22 March 2023. The opinion welcomes the proposal's focus on the role of equality bodies as victims' advocates, on promotion activities, and on the prevention of discrimination. It highlights the need to take into account forms of multiple and intersectional discrimination. It supports the proposal that equality bodies should be free from external influence and backed with sufficient resources. According to the opinion, the proposed directive should respect the diversity of national legal frameworks and practices on non-discrimination – including the fact that many Member States have given equality bodies powers going beyond the existing equality directives' minimal requirements, and should not lower existing protection standards. The bodies' investigative powers should be without prejudice to the powers of the courts and of other competent public bodies. The opinion further calls for protection of complainants, proportionate compensation for victims, and effective penalties for those who practice discrimination. The EU should fund awareness-raising campaigns, to be implemented locally by equality bodies together with civil society and social partners.

National parliaments

The [deadline](#) for the subsidiarity check was 2 March 2023. Eight Member States' parliamentary chambers completed their subsidiarity check, but none issued a yellow card. The Lithuanian Parliament's (Seimas) Committee on Human Rights issued an [opinion](#) endorsing the proposal, stating that it complies with the principles of subsidiarity and proportionality. In a 15 March 2023 [resolution](#), the Italian Senate's EU Policies Committee took a favourable position with respect to the proposal's compliance with the subsidiarity principle, but highlighted some critical issues relating to the proportionality principle, including the considerable financial resources required from Member States. In a 30 March 2023 [resolution](#), the Czech Senate expressed reservations about the proposal, in line with the Czech government's position, saying that the requirement that the equality body should carry out impartial investigations while appearing in court on behalf of victims is incompatible with the requirement that it remain impartial and independent. It stresses that the 'vaguely stated power of the equality body to initiate legal proceedings to address structural and systematic discrimination' would undermine the separation of powers enshrined in the Czech constitution.

Stakeholder views⁴

As mentioned above, work on the proposal was preceded by a public consultation. Some 81 % of the 182 respondents (including citizens, public authorities, non-governmental organisations (NGOs), academic organisations) considered that adopting new binding minimum standards for equality bodies would have a positive effect.

Following the publication of the proposals, several equality bodies and their European networks, as well as NGOs working in the area, issued their [feedback](#) on either one of the two proposals or both.⁵ While the general feedback was positive, some issues emerged as requiring more consideration.

The European Network of Equality Bodies (Equinet), which has been advocating strong and consistent EU-wide standards for equality bodies for several years, found through evaluations of its members' activities that 'differences between the Member States in the structure and functioning of equality bodies result in unequal protection against discrimination across the EU'. The [standards](#) to be established, according to Equinet, should include the mandate (covering all relevant grounds and fields); powers (legal, data collection, awareness raising); independence (free from interference); sufficient resources, accessibility for victims; and the ability to coordinate and cooperate with other bodies. Equinet is in favour of binding EU rules, which would be a 'major step' towards implementing and enforcing such standards, and welcomes the two Commission proposals. In a February 2023 [report](#), Equinet made some recommendations for improving the proposals, namely:

- to ensure that the two separate proposals remain similar at the end of the legislative process;
- to acknowledge multiple and intersectional discrimination;
- to strengthen independence provisions without unnecessarily isolating various equality functions inside the same institutions;
- to see to it that the obligation to issue a preliminary assessment of a complaint based on information voluntarily submitted by the parties involved is not burdensome;
- to make sure that equality bodies have the power to request information and documents from the alleged perpetrator and third parties, and oblige them to provide these;
- to remove the prohibition on equality bodies to initiate or continue an investigation during court proceedings, as is already the case in some countries;
- to delete Article 9(4) of the proposal prohibiting the use in courts of evidence collected by equality bodies using their power to require information, as this would constitute a step backwards compared with the existing situation in some Member States;

- to give equality bodies a stronger role in data collection, monitoring and reporting.

The Uppsala Antidiscrimination Office ([ADU](#)), the Swedish Section of the International Commission of Jurists ([ICJ](#)) and the [European Women Lawyers Association](#) criticised Article 9(4) of the proposal barring the submission of evidence obtained by equality bodies in courts, considering its justification based on the 'equality of arms' principle inadequate. The Austrian [Ombud for Equal Treatment](#) (*Gleichbehandlungsanwaltschaft*) expressed similar concerns about this provision, questioning in particular whether it respects the subsidiarity principle. The Ombud also expressed reservations about the strict institutional separation of equality bodies from ministerial structures. It furthermore deemed the merging of various functions – namely the fact that equality bodies have to assist victims while also playing a quasi-judicial role – as problematic. The [European Network against Racism](#) welcomed the proposal but voiced regret that it does not include standards guaranteeing the participation of civil society organisations in monitoring, reporting and preventing any forms of discrimination, particularly those related to racial justice and equality.

The [Confederation of Danish Employers](#), while generally welcoming the two proposals, expressed some concerns. It asked for the directive to respect the competence and rights of other bodies and/or social partners' autonomy in proceedings and conflict systems. The equality bodies' different tasks and competences, despite the firewalling systems included, risks jeopardising impartiality and coherence. The confederation also stressed that data collection can be burdensome for companies.

The need to incorporate the division of competences between the national and sub-national levels in federal systems in the proposals has been underlined by the [Senate Department for Justice, Diversity and Non-discrimination](#) of the State of Berlin and the [Anti-Discrimination Agency of the State of Baden-Württemberg](#), as well as by the [Diputació de Barcelona](#).

For other views of regional and local players on the subject of equality bodies, see the EPRS briefing on [Strengthening equality bodies throughout the EU](#).

Academic views

In a 2021 article⁶ Sara Benedí Lahuerta, professor at University College Dublin, made the case for stronger standards by applying a 'responsiveness' model to assess equality bodies. She found that the existing standards had allowed Member States 'to fully comply with EU law by setting up, in many cases, largely unresponsive equality bodies'. Lahuerta argued that clearer standards for equality bodies were needed, and that these had to be properly designed and resourced.

Legislative process

In the European Parliament, the Committee on Women's Rights and Gender Equality (FEMM) was tasked with handling the file. The Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Employment and Social Affairs (EMPL) have been invited to submit opinions. The Internal Market and Consumer Protection Committee decided not to submit an opinion. Sirpa Pietikäinen (EPP, Finland) was appointed rapporteur for the file on 24 May 2023. On the same day, the FEMM Committee held an [exchange of views](#) with representatives of the Belgian, French, Finnish and Swedish equality bodies, as well as of Equinet. All participants stressed the need for independence and sufficient resources and underlined the importance of equality bodies having adequate powers to act in court.

The [parallel proposal](#) under the ordinary legislative proposal, covering equality between men and women in the employment field, has been assigned jointly to the FEMM and EMPL committees, with Sirpa Pietikäinen appointed co-rapporteur, alongside Marc Angel (S&D, Luxembourg).

The Council assigned the examination of the proposal to its Working Party on Social Questions, and debates started in January 2023. After several rounds of debates, in May 2023 the Swedish Presidency was able to secure a compromise that includes several significant modifications to the text. The Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) adopted the

[Council's position](#) on 12 June 2023. The changes proposed by the Council aim to increase the flexibility of the new legal provisions in order to accommodate the differences in the Member States' legal and administrative frameworks. The Council modifies the provision related to the independent legal structure of equality bodies, allowing them to continue being part of ministries.

The Council gives equality bodies powers of 'inquiry' rather than 'investigative' powers (as the Commission proposed) and provides for the possibility to also entrust another competent body with conducting inquiries. In this case, the equality bodies should have access to information about the results. With regard to the powers of litigation, the Council maintains the right of equality bodies to submit observations to the court, in accordance with national law and practice, and to act as a party in court proceedings regarding their own binding decisions. Besides these, it grants equality bodies the right to act in court in 'at least one' of the following capacities (and not necessarily in all as proposed by the Commission): act on behalf of one or more victims; act in support of one or more victims; and initiate proceedings in its own name to 'defend the public interest'. The Council also amends the provision related to indicators to make clear that they would assess the functioning of equality bodies and not the implementation of the equality directives, and that they do not serve the purpose of ranking equality bodies. It also extends the transposition deadline to 3 years from 1 year in the Commission's proposal.

The changes proposed by the Council are the same as those it has adopted for the [parallel proposal](#), reflecting the political ambition to keep them similar. As remarked by stakeholders,⁷ divergence and possibly conflicts among the obligations of equality bodies under their diverse mandates could hinder their proper functioning.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Zamfir I., [Standards for equality bodies: Equal treatment between women and men in employment](#) (ordinary legislative procedure), briefing, EPRS, May 2023.

Collovà M. and Fernandes M., [Strengthening equality bodies throughout the EU](#), briefing, EPRS, December 2022.

van Bellegooij W. with Moxom J., [Equality and the Fight against Racism and Xenophobia. Cost of Non-Europe Report](#), EPRS, 2018.

OTHER SOURCES

[Union of equality: standards for equality bodies in the field of equal treatment between persons, in the field of employment, in matters of social security and in the access to and supply of goods and services](#), 2022/0401(APP), Legislative Observatory (OEIL), European Parliament.

ENDNOTES

- ¹ This [legislative proposal](#), which goes back to 2008, aims to eliminate discrimination on grounds of religion and belief, disability, age and sexual orientation in areas other than employment. It has been blocked since then because of lack of unanimity in the Council. According to the [progress report](#) presented by the Swedish Presidency of the Council in May 2023, despite recent progress, unanimity among Member States is not yet within reach.
- ² Principles relating to the status of national institutions (the Paris Principles) adopted by the United Nations General Assembly in a 1993 resolution stipulate in Article 2 that a human rights national institution 'shall be given as broad a mandate as possible'.
- ³ A gender perspective 'involves analysing whether the needs, situation and experiences of both women and men have been equally taken into account and addressed in the equality body's plans and activities' (point 23).
- ⁴ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.
- ⁵ Those that appear relevant are included here, even though they were issued in response to the other proposal.
- ⁶ '[Equality Bodies: Advancing towards more responsive designs?](#)', *UCD Working Papers in Law, Criminology & Socio-Legal Studies*, Research Paper No 5 / 2021.
- ⁷ According to the Equinet representative at the hearing organised by the FEMM committee on 24 May 2023.

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