

The EU as a « Union of Equality »?



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Abstract

This briefing, drafted by the Policy Department on Citizens' Rights and Constitutional Affairs in the view of the LIBE Workshop on "The EU as a Union of Equality?" organised for the LIBE Committee, aims at providing relevant information and updates on the various strategies, action plans and strategic frameworks launched by the Commission under the Union of Equality umbrella, as well as on other equality directives, framework decisions and initiatives falling under the same remit.

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1. INTRODUCTION

Equality is a core value of the European Union, enshrined in the Treaties (notably in article 2 TEU¹; articles 8², 10³ and 19⁴ TFEU; Articles 21⁵, 22⁶, 23⁷, 25⁸ and 26⁹ of the Charter of Fundamental Rights). **President von der Leyen** made *"equality for all and equality in all of its senses"* one of the **major priorities of her Commission in her [political guidelines](#)**. Under this Commission, **the first ever Commissioner for Equality, Helena Dalli, was appointed**.

This Commission has consequently put equality at the centre of its agenda and has been striving to **build a "Union of Equality"**, where all people can live **free from discrimination**.

To achieve this aim, it has adopted five Union of **Equality strategies** in 2020 and 2021 to create the conditions for everyone to live, thrive and lead regardless of differences based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation. These **five key strategies** adopted by the Commission to build a Union of Equality are the following:

- [The Gender Equality Strategy 2020-2025](#)
- [The EU Anti-racism Action Plan 2020-2025](#)
- [The EU Roma strategic framework for equality, inclusion, and participation 2020-2030](#)
- [The LGBTIQ Equality Strategy 2020-2025](#)
- [The Strategy for the Rights of Persons with Disabilities 2021-2030](#)

Further to these, the Commission also took **further actions**, as it:

- has adopted the first-ever [EU Strategy on combating antisemitism and fostering Jewish life \(2021 - 2030\)](#),
- has adopted initiatives to [combat anti-Muslim hatred](#),

¹ "The Union is founded on the values of respect for human dignity, freedom, democracy, **equality**, the rule of law and respect for human rights, including the **rights of persons belonging to minorities**. These values are common to the Member States in a society in which **pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men** prevail."

² "In all its activities, the Union shall aim to **eliminate inequalities, and to promote equality, between men and women.**"

³ "In defining and implementing its policies and activities, the Union shall aim to **combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.**"

⁴ "1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may **take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.** (...)"

⁵ "Non-discrimination 1. **Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.** 2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, **any discrimination on grounds of nationality shall be prohibited.**"

⁶ "Cultural, religious and linguistic diversity. The Union shall **respect cultural, religious and linguistic diversity.**"

⁷ "Equality between women and men. **Equality between women and men must be ensured in all areas**, including employment, work and pay. (...)"

⁸ "The rights of the elderly The Union recognises and respects the **rights of the elderly** to lead a life of dignity and independence and to participate in social and cultural life."

⁹ "Integration of persons with disabilities. The Union recognises and respects the **right of persons with disabilities** to benefit from measures designed to ensure their **independence, social and occupational integration and participation** in the life of the community."

- has adopted in 9 December 2021 a Communication with a draft Council decision aimed at [extending the list of EU crimes to hate speech and hate crime](#), and in December 2023 a [Joint Communication on “No place for hate: a Europe united against hatred”](#),
- monitors and ensures the application of the [Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin](#) and of the [Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation](#),
- monitors and ensures the application of the 2008 [Framework Decision 2008/913/JHA](#) on racism and xenophobia, notably through a series of infringement proceedings.
- has proposed the [2008 Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) (beyond employment and to cover social protection, including social security and healthcare; education; access to goods and services, including housing),
- has adopted and enforced a EU [Code of Conduct on countering illegal hate speech online](#) and the [Digital Services Act](#), with the aim of fighting against hate crime and hate speech online.¹⁰

This **briefing**, drafted by the Policy Department on Citizens’ Rights and Constitutional Affairs in the view of the **LIBE Workshop on “The EU as a Union of Equality?”** organised for the LIBE Committee, aims at providing relevant information and updates on the various strategies, action plans and strategic frameworks launched by the Commission under the Union of Equality umbrella, as well as on other equality directives, framework decisions and initiatives falling under the same remit.

The information presented below shows that while on some fronts there is **clear and tangible progress** at EU and Member State level, on other fronts there are important **obstacles and hurdles** still to overcome, including of political nature. A series of questions can be raised in this regard, which could be addressed during the Workshop:

How far the political intentions and objectives of the **Commission** to build a “Union of Equality” - with the support of the European Parliament and of the Council or anyway of the wide majority of the Member States - have been **implemented and achieved concretely**, making of the EU a real “Union of Equality”? Do implementation reports, evaluations and surveys reveal **improvements**, or not? Can these improvements be related to EU’s action?

Do **Member States** actively support the Commission in implementing the current strategies, action plans and strategic frameworks, and how? Do they sometimes refuse to cooperate or drag their feet, as serious delays, lack of correct and full implementation of EU law and strategies, and infringement proceedings launched by the Commission seem to suggest?

How to reconcile the objective of creating a Union of Equality with the fact that one of the main instruments to achieve equality through the prohibition of discrimination, the **2008 draft directive on equal treatment beyond employment, has been blocked in the Council** for more than 16 years due to a number of Member States’ vetoes impeding the achievement of the required unanimity?

¹⁰ The Commission has furthermore adopted on 24 June 2020 its first-ever [EU strategy on victims' rights \(2020-2025\)](#), and on 24 March 2021 a [EU strategy on the rights of the child](#).

How to ensure the implementation of the **2008 Framework Directive on racism and xenophobia**? How comes it was not fully and correctly implemented by all Member States earlier, obliging now the Commission to launch a wave of infringement proceedings?

What about the discussions in the Council on the Commission proposal to add **hate crime and hate speech** to the list of Eurocrimes? Did any Member State express opposition?

Will the introduction of standards for **equality bodies** concretely empower victims of discrimination and allow them to achieve equality at Member State and European level?

Finally, is the Commission carrying out the preparatory work to ensure the **continuation of the Union of Equality strategies, action plans and strategic frameworks**, notably of those lapsing in 2025?

2. COMMISSION STRATEGIES, ACTION PLANS, STRATEGIC FRAMEWORKS

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
The Gender Equality Strategy 2020-2025	<ul style="list-style-type: none"> - Adopted by the Commission on 5.3.2020. - Six main pillars: <ol style="list-style-type: none"> 1. Being free from violence and stereotypes; 2. Thriving in a gender-equal economy; 3. Leading equally throughout society; 4. Gender mainstreaming and an intersectional perspective in EU policies; 5. Funding actions to make progress in gender equality in the EU; 6. Addressing gender equality and women's empowerment across the world. - EP resolutions of <ul style="list-style-type: none"> - 21 January 2021 on the EU Strategy for Gender Equality. 	<ul style="list-style-type: none"> - The Commission publishes annual reports: the latest (2023 report on gender equality in the EU) was published in spring 2023. The 2024 report will be published in March 2024. - Ends in 2 years: in 2025. - A small minority of Member States' governments (HU and PL) repeatedly blocked the adoption of Council conclusions because they contained the term "gender" (among these, those calling AI to respect the Charter of Fundamental Rights; social issues; LGBTIQ safety; the gender action plan III). - A wide number of Member States (14, including Bulgaria, Hungary, the Czech Republic, France, Germany and the Netherlands) blocked a common definition of rape as sexual intercourse without consent at EU level.
The EU Anti-racism Action Plan 2020-2025	<ul style="list-style-type: none"> - Adopted by the Commission on 18.9.2020. - In 2021 the COM appointed Michaela Moua as the first ever nominated Coordinator. - The Action Plan includes measures to tackle racism and racial discrimination through legislation, including new legislation, the full implementation of the Framework Decision on racism and xenophobia across the EU, as well as through policy measures and funding programmes, including racism, discrimination and bias through the legislative framework of AI and the strategy on children's rights (of 24.03.2021). It includes measures regarding the collection of equality data. 	<ul style="list-style-type: none"> - 1st report on the implementation of national action plans (NAPAR) was published in 2023: Initiative 2023. - Progress report expected by the end of 2024. - Ends in 2 years: in 2025.

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
	<ul style="list-style-type: none"> - On 19 March 2021 (International Day for the Elimination of Racial Discrimination of 21 March), the European Commission is organising a Summit Against Racism, co-hosted by the Portuguese Presidency of the Council and in cooperation with the EP ARDI Intergroup, addressing the implementation of the European Anti-Racism Action Plan at various levels (with the involvement of EU Institutions, Member States, civil society, equality bodies and grassroots organisations; here more information is available). - In March 2021 the Commission set up the Subgroup on the National Implementation of the EU Anti-racism Action Plan 2020-2025, consisting of national representatives and experts, which drafted the common guiding principles for NAPAR and the checklist and the reporting tool. - Round table on equality data on 30.09.2021. - High-level event on the consideration of racial and ethnic origin in private companies' diversity strategies (European Diversity Month 2021). - Launch of the European Capitals of Inclusion and Diversity Award in 2022. - On 21 March 2022, the Commission will organise the European Anti-Racism Summit 2022 (with the EP ARDI Intergroup and Council of Europe's European Commission against Racism and Intolerance (ECRI/CoE) and civil society, equality bodies and grassroots organisations; here more information can be found). - On 17 May 2022, the COM adopted Common guiding principles for national action plans against racism and racial discrimination. - On 15 February 2023, the COM adopted the NAPAR Monitoring Checklist and Reporting Tool. - 25 October 2023, FRA report on Being Black in the EU – Experiences of people of African descent, following up the 2018 EU-MIDIS II: Being Black in the EU. 	

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
	<p>EP resolutions of</p> <ul style="list-style-type: none"> - 19 June 2020 on the anti-racism protests following the death of George Floyd, - 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU. 	
<p>The EU Roma strategic framework for equality, inclusion, and participation 2020-2030</p>	<ul style="list-style-type: none"> - Adopted on 7 October 2020. - The new EU Roma strategic framework (following up the 2011-2020 EU Framework for National Roma integration strategies) sets out a comprehensive three-pillar . horizontal targets approach (fight and prevent anti-gypsyism and discrimination, poverty gap, participation of Roma and of their NGOs) complementing the socio-economic inclusion by fostering equality and promoting participation (education, access to quality and sustainable employment, to healthcare and social services, to housing). - On 12 March 2021, the Council of the EU adopted a recommendation on Roma equality, inclusion and participation in all Member States. - January 2023: Assessment report of the Member States' national Roma strategic frameworks (full package): the Commission found that eight Member States (Czech Republic, Greece, Spain, France, Croatia, Lithuania, Slovenia, and Slovakia) have fully integrated the common features and minimum commitments outlined in the EU Roma Strategic Framework into their National Roma Strategic Frameworks (NRSFs). Conversely, twelve other Member States (Austria, Belgium, Bulgaria, Germany, Estonia, Finland, Hungary, Italy, Latvia, Netherlands, Poland, and Romania) have only partially incorporated these elements. The deficiencies primarily pertain to the absence of specific targets, clearly defined budget allocations for implementation and monitoring, or measures addressing the diversity within the Roma population. The remaining six Member States (Cyprus, Denmark, Ireland, Luxembourg, Portugal, and Sweden) have included the minimum commitments to a very limited extent in their NRSFs. Several Member 	<ul style="list-style-type: none"> - Former evaluations: Commission communication of 4 December 2018 'Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020' (COM(2018)0785). <p>The Commission will carry out</p> <ul style="list-style-type: none"> - a mid-term and - an ex-post evaluation; - every two years, COM periodic monitoring reports; - every two years from 2023 onwards, Member States will have to report on implementation of national Roma strategic frameworks, including on measures to promote equality, inclusion and participation and making full use of the portfolio of indicators. It will focus on implementation of the commitments set out in the national frameworks, including achievement of national targets, where appropriate. These reports should be made public, to increase transparency and promote policy learning. - FRA Roma surveys every four years. - See also section on the EU Framework Decision on combating racism and xenophobia.

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
	<p>States have set national targets corresponding to the EU-level targets, although there are discrepancies in target setting among Member States. The absence of national targets in some countries, particularly those with larger Roma populations like Romania, could impact the collective effort to achieve the EU Roma Strategic Framework's 2030 targets. Moreover, the Role of NRCs vary among Member States, with some having adequate mandates while others lack resources and capacity to effectively coordinate actions. Regarding progress for the horizontal objectives, more robust measures are needed in some Member States, especially to strengthen the representation of Roma and build the capacity of Roma organizations more concrete actions are needed. Furthermore, Member States are encouraged to improve target-setting, data collection, monitoring, and reporting on Roma equality, inclusion, and participation. Lastly, the Commission pledges to enforce EU legislation related to Roma equality, mainstream Roma equality in EU policy initiatives, mobilise EU funds for Roma inclusion, support Roma participation, inclusion, and diversity, and promote equality and fight anti-gypsyism.</p> <p>- FRA 2016 report EU-MIDIS II: Roma – Selected findings and 2019 Roma and Travellers Survey.</p> <p>EP resolutions of:</p> <ul style="list-style-type: none"> - 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism, - 17 September 2020 on 'The implementation of National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe', - 5 October 2022 on the situation of Roma people living in settlements in the EU, - 4 October 2023 on the segregation and discrimination of Roma children in education. 	

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
The LGBTIQ Equality Strategy 2020-2025	<ul style="list-style-type: none"> - Adopted by the Commission on 12 November 2020. - Follows up the 2015 Commission “List of Actions to Advance LGBTIQ Equality”. - Has 5 main pillars: <ol style="list-style-type: none"> 1. tackling discrimination against LGBTIQ people; 2. ensuring LGBTIQ people’s safety; 3. building LGBTIQ inclusive societies; 4. leading the call for LGBTIQ equality around the world; 5. delivering on the Strategy: making full use of EU initiatives. - The LGBTIQ Equality Subgroup was set up in May 2021 for enhancing implementation of the LGBTIQ Equality Strategy under the High-Level Group on non-discrimination, equality and diversity. The Subgroup is composed of Governmental experts, nominated by Member States’ Governments, to support and monitor progress of the protection of LGBTIQ people’s rights in the Member States. The EU Agency for Fundamental Rights (FRA) contributes to its work, and the Subgroup cooperates on a regular basis with civil society and international organisations, such as the Organisation for Economic Cooperation and Development (OECD) and the Council of Europe. The Subgroup prepared the Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality, which identify what LGBTIQ policies, strategies and action plans should cover in order to be useful and effective. They support and encourage the Member States in line with the LGBTIQ Equality Strategy. - 2019 FRA EU LGBT Survey EU LGBTI Survey II and A long way to go for LGBTI equality. - On 15 July 2022, the Commission referred the Hungarian anti-LGBT law to the European Court of Justice, supported by a majority of EU Member States (Belgium, France, Germany, Luxembourg, the Netherlands, Austria, Ireland, Malta, Denmark, Portugal, Spain, Sweden, Slovenia, Finland and Greece). 	<ul style="list-style-type: none"> - Progress report published in April 2023. - Mid-term evaluation expected soon in 2024. - <u>Ends in 2 years: in 2025.</u>

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
	<p>EP resolutions of:</p> <ul style="list-style-type: none"> - 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) TEU, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded; - 14 February 2019 on the future of the LGBTI List of Actions (2019-2024); - 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law; - 11 March 2021 on declaring the EU an 'LGBTIQ Freedom Zone'; - 20 October 2022 on growing hate crimes against LGBTIQ+ people across Europe in light of the recent homophobic murder in Slovakia; - 1 June 2023 on the breaches of the Rule of Law and fundamental rights in Hungary and frozen EU funds; - 8 February 2024 on the implementation of the EU LGBTIQ Equality Strategy 2020-2025. 	
The Strategy for the Rights of Persons with Disabilities 2021-2030	<p>- Adopted by the Commission on 3.3.2021.</p> <p>- Flagship initiatives:</p> <ol style="list-style-type: none"> 1. AccessibleEU: launched; 2. European Disability Card: the proposal for a directive was tabled by the Commission in September 2023 and political agreement was reached in February 2024; 3. Guidance recommending improvements on independent living and inclusion in the community: published; 4. A framework for social services of excellence for persons with disabilities: announced for 2024; 5. A package to improve labour market outcomes of persons with disabilities: launched; 6. Disability Platform: launched; 7. Renewed HR strategy: published. 	<p>The strategy (point 9.2) foresaw that</p> <ul style="list-style-type: none"> - the COM should "develop and publish, in 2021, a monitoring framework for the objectives and actions of this strategy"; - "develop, at the latest by 2023, new disability indicators"; - COM will "prepare a report in 2024 of this Strategy assessing the progress of its implementation and, if deemed necessary, update its objectives and actions"

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
	EP resolutions of: - 18 June 2020 on the European Disability Strategy post-2020; - 13 December 2022 towards equal rights for persons with disabilities.	

3. FURTHER STRATEGIES AND INITIATIVES

Commission strategy, action plan, strategic framework	Date of adoption Coordinator or envoy Main contents EP resolutions	Reporting on implementation Approaching deadline
EU Strategy on combating antisemitism and fostering Jewish life (2021-2030)	<ul style="list-style-type: none"> - Adopted by the Commission on 5 October 2021. - 2021 - 2030 (10 years) - A coordinator was appointed: Katharina von Schnurbein, European Commission Coordinator on combating antisemitism. - Actions of the Strategy include: curbing antisemitism online, providing funding for the protection of public spaces and places of worship, setting up of a European research hub on antisemitism and Jewish life, and creation of a network of sites "where Holocaust happened". - It has 4 pillars: <ol style="list-style-type: none"> 1. Preventing and combating all forms of antisemitism, including hate speech and hate crime and online, and discrimination, and lead by example; 2. Protecting and fostering Jewish life in the EU, including by combating violent extremism and terrorism targeted against Jews, fostering Jewish life and freedom of religion or belief, safeguarding Jewish heritage Jewish cultural heritage; 3. Education, research and Holocaust remembrance, including on education and research on antisemitism and Jewish life, holocaust education, research and remembrance, holocaust denial, distortion and trivialisation; 4. Leading the global fight against antisemitism, by using all instruments to address antisemitism through the EU's external action, safeguarding Jewish cultural heritage and commemorating the Holocaust. - MS are invited to adopt national strategies on combating antisemitism, as foreseen by the 4 March 2022 Council conclusions on combating racism and antisemitism (also requested in the Council Declarations on combating antisemitism of 2020 and 2018). 	<ul style="list-style-type: none"> - National strategies adopted by (only 12) MS¹¹. - Comprehensive implementation reports will be published in 2024 and 2029, based on the input from Member States, also with regard to the implementation of their national strategies and policies.

¹¹ Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Hungary, Ireland, Lithuania, Malta, The Netherlands, Poland and Portugal have no national strategy yet.

	<p>- FRA report of 7 November 2023 Antisemitism in 2022 - Overview of Antisemitic incidents recorded in the EU following up the 2018 Second survey on discrimination and hate crime against Jews in the EU.</p> <p>EP resolution of</p> <p>- 1st June 2017 on combating anti-Semitism.</p>	
Combating anti-Muslim hatred	<p>- 2015: creation of the post of Coordinator on combating anti-Muslim hatred.</p> <p>- The Coordinator works to ensure a robust and holistic response across the Commission services: fighting anti-Muslim hatred requires efforts and funds in the area of teaching and education, in the area of integration and social inclusion policies, in the areas of employment and non-discrimination. The Coordinator is the main point of contact for organisations in the EU working against racism and anti-Muslim hatred.</p> <p>- 21 September 2017 FRA published the Muslims – Selected findings (EU-MIDIS II survey).</p> <p>- 18.03.2019: creation of the EU High Level Group on combating racism, xenophobia and other forms of intolerance, which prepared a guidance note on the practical application of the EU Framework Decision on combating racism and xenophobia.</p> <p>- From 1 February 2023 on, the European Commission appointed Marion Lalisse as new Coordinator.</p>	<p>- See also section on the EU Framework Decision on combating racism and xenophobia.</p>

4. OTHER ISSUES RELATED TO THE UNION OF EQUALITY

Document	Main information (scope, dates etc.) Related documents	Reporting on implementation Comments
Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin	<p>- 17.1.2014: Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive') and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'): main issues:</p> <ul style="list-style-type: none"> * Prohibition of discrimination on the basis of racial or ethnic origin; * Material scope of the Directive; * Role of equality bodies; * Protection for the Roma under the Directive. <p>- The 19.03.2021: (joint) report on the implementation of the Racial Equality Directive (and on the employment directive) discussed in particular:</p> <ul style="list-style-type: none"> * The notion of 'ethnic and racial origin'; * The scope; * Roma people are among the groups most affected by discrimination. <p>- The 30 April 2021 FRA report on Equality in the EU 20 years on from the initial implementation of the equality directives focuses on:</p> <ul style="list-style-type: none"> * realising the principle of equal treatment in compliance with the Racial Equality Directive and the Employment Equality Directive; * the impact of uneven protection against discrimination in EU legal provisions in core areas of life; * rights awareness and reporting of discrimination; * developments in the role of equality bodies; * promoting the collection and use of equality data; <p>for each point analysed in the report, FRA refers to relevant opinions with recommendations.</p>	<p>- Previous reports on the application of the Directive: COM(2006) 643 final and COM(2014) 2 final (joint report on the two Directives).</p> <p>- 19.03.2021: (joint) report on the implementation of the Racial Equality Directive (and on the employment directive).</p>
Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation	<p>- 17.1.2014: Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive') and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation</p>	<p>- 2008 report on the implementation: COM(2008) 225 final.</p>

Document	Main information (scope, dates etc.) Related documents	Reporting on implementation Comments
	<p>(‘Employment Equality Directive’): the main issues identified were related to age, disability, sexual orientation and religion or belief.</p> <p>- 30 April 2021 FRA report on Equality in the EU 20 years on from the initial implementation of the equality directives focuses on:</p> <ul style="list-style-type: none"> * realising the principle of equal treatment in compliance with the Racial Equality Directive and the Employment Equality Directive; * the impact of uneven protection against discrimination in EU legal provisions in core areas of life; rights awareness and reporting of discrimination; * developments in the role of equality bodies; * promoting the collection and use of equality data; <p>for each point analysed in the report, FRA refers to relevant opinions with recommendations.</p> <p>- A 2022 study by the European network of legal experts in gender equality and non-discrimination entitled A comparative analysis of non-discrimination law in Europe notes in its conclusions that:</p> <ul style="list-style-type: none"> * “The Racial Equality and Employment Equality Directives ... transposition has immensely enhanced legal protection against discrimination on the grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation across Europe. It is also encouraging to note that a majority of Member States provide further protection compared to the requirements of EU law and that the levelling up of protection across grounds continues in a number of countries.” * “In the past few years, most of the remaining shortcomings and gaps in national transpositions have been remedied, sometimes following the initiation of infringement proceedings by the European Commission and sometimes due to pressure from other stakeholders, such as civil society organisations representing the groups most affected by discrimination.” * “... however... some gaps still remain in many of the Member States and candidate countries” notably with regard to the definition of different forms of discrimination and of the material scope. * “The main issue is the implementation of such legislation (and of both European directives) and the judicial interpretation by national courts and the CJEU... shortcomings remain in national legislation... in many countries, the legal conditions... are highly restrictive and ... not clear ... Such legal vacuums in national legislation are reducing the protection provided by the directives.” 	<p>- 2014 joint report on the implementation of the 2 Directives: COM(2014) 2 final.</p> <p>- 2022 European network of legal experts in gender equality and non-discrimination study A comparative analysis of non-discrimination law in Europe.</p>

Document	Main information (scope, dates etc.) Related documents	Reporting on implementation Comments
	<ul style="list-style-type: none"> * The lack of (or too restrictive) legal standing of organisations and associations to engage in proceedings on behalf or in support of victims of discrimination, restrictive application of the shift of the burden of proof as well as a number of barriers to effective access to justice are barriers. * Another barrier to effective enforcement highlighted by the country reports is the lack of 'effective, dissuasive and proportionate' sanctions and remedies, in particular beyond the area of employment. * Equality bodies play a fundamental role in the enforcement of non-discrimination legislation and provide recommendations and policy advice to Governments, supporting good practices and positive equality obligations. * Shortcomings have been observed concerning equality bodies and the impossibility of their effectively fulfilling the role they are given by the Racial Equality Directive, whether it be due to insufficient resources, a restricted scope of activities or a lack of independence from Government and public authorities. * Although formal equality has been obtained in most national legislation, stronger efforts need to be made in order to achieve substantive equality. 	
<p>Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (beyond employment and to cover: social protection, including social security and healthcare; education; access to goods and services, including housing).</p>	<ul style="list-style-type: none"> - COM proposed it in 2 July 2008. - EP adopted its Opinion on 2 April 2009 under the Consultation Procedure. - Following the entry into force of the Lisbon Treaty on 1 December 2009, the proposal now falls under Article 19 of the TFEU, thus <i>unanimity</i> in the Council is required, following the <i>consent</i> of the European Parliament. - Remained blocked in the Council due to the unanimity requirement of Article 19 TEU. - The latest Council Progress report of 23 May 2023 states that: <ul style="list-style-type: none"> * two delegations maintain general reservations on the proposal as such; * all delegations maintain general scrutiny reservations on the text; * CZ and DK maintain parliamentary scrutiny reservations; * the Commission supports the search for a compromise, while maintaining a scrutiny reservation on any changes to its original proposal at this stage. - On 26 May 2023, the Council examined a "steering note prepared by the Presidency, with a view to the policy debate on the above subject at the EPSCO Council on 12 June 2023" on the Directive on equal treatment and notably its Article 19. Ministers were invited to address the questions related to: 1) discrimination and 2) how to unblock the negotiations and find concrete solutions on the three outstanding issues of legal certainty, subsidiarity and the implementation costs. 	

Document	Main information (scope, dates etc.) Related documents	Reporting on implementation Comments
	<ul style="list-style-type: none"> - The EP repeatedly called both the Commission and the Member States / the Council to adopt the draft directive. It then adopted the European Parliament resolution of 19 April 2023 on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive. 	
2008/913/JHA Framework Decision on racism and xenophobia	<ul style="list-style-type: none"> - The Framework Decision on combating racism and xenophobia by means of criminal law (Framework Decision 2008/913/JHA) was adopted on 28 November 2008. - It aims at ensuring that serious manifestations of racism and xenophobia are punishable by effective, proportionate and dissuasive criminal penalties throughout the EU. - 15.3.2019 Staff working document on Countering racism and xenophobia in the EU: fostering a society where pluralism, tolerance and non-discrimination prevail providing an overview of the progress achieved and outlining some areas that merit particular attention in the future. - EU High Level Group on combating racism, xenophobia and other forms of intolerance prepared a guidance note on the practical application of the EU Framework Decision on combating racism and xenophobia, to help national authorities address common issues of practical application of these rules and ensure effective investigation, prosecution and sentencing of hate crime and hate speech on the ground. - The Framework Decision has been incorrectly or partially implemented by a high number of EU MS: Infringement procedures as of today (when inserting the references for the directive for instance under title, like “racism”) can be found at: https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement-decisions/. 	
Extending the Euro-crimes to cover hate crime and hate speech	<ul style="list-style-type: none"> - 9 December 2021 Commission Communication on 'A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime' with an annex proposing a Council Decision extending to hate crime and hate speech the current list of so-called 'EU crimes' as laid down in Art 83 TFEU. - December 2023 Commission and High Representative Joint Communication on “No place for hate: a Europe united against hatred”, announcing the upgrade of the Code of conduct with major online platforms, measures to enhance the protection of places of worship via an increased budget of the Internal Security Fund and an upgrade to the role of Envoys of the current Coordinators on combating antisemitism and fostering Jewish life, on combating anti-Muslim hatred and on combating racism. 	

Document	Main information (scope, dates etc.) Related documents	Reporting on implementation Comments
	<ul style="list-style-type: none"> - EP supported the COM initiative in January 2024, see resolution 18 January 2024 on extending the list of EU crimes to hate speech and hate crime. - Council is to agree to the decision by unanimity, after obtaining EP's consent. - Commission may then propose the adoption of directives establishing minimum rules on the definitions and sanctions of hate speech and hate crime to be adopted by the EP and the Council via the ordinary legislative procedure. 	
<p>EU Code of Conduct on countering illegal hate speech online + Digital Services Act</p>	<p>https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en</p> <ul style="list-style-type: none"> - High Level Group on combating hate speech and hate crime since 2016 works to prevent and counter the spread of illegal hate speech online: from May 2016 on, the Commission agreed with the main service providers (Facebook, Microsoft, Twitter, YouTube; Instagram, Google+, Snapchat, Dailymotion and jeuxvideo.com) a "Code of conduct on countering illegal hate speech online" to help users notifying illegal hate speech in this social platforms, improve the support to civil society as well as the coordination with national authorities: platforms agreed to <i>assess the majority of users' notifications of in 24h also respecting EU and national legislation on hate speech and committed to remove, if necessary, those messages assessed illegal</i>. Companies also agreed to further work on <i>improving the feedback to users and being more transparent towards the general society</i>. - December 2022: 7th monitoring round of the Code of Conduct. - Commission will finalise a reinforced Code of Conduct on countering illegal hate speech online before February 2024 to build on the new horizontal obligations for online platforms in the Digital Services Act. It will also reinforce its cooperation with civil society organisations, experts, trusted flaggers, and public authorities to detect hate speech online. - The Digital Services Act (DSA) and the reinforced code of conduct on countering illegal hate speech, represent decisive steps to ensure that what is illegal offline is also treated as such online. The DSA includes strict obligations for online platforms to counter illegal content. It will be applicable to all platforms from 17 February 2024, but it already applies to 19 designated very large online platforms and search engines (under the DSA, the Commission had sent mid-October a formal request for information to X, META and TikTok, about the alleged spreading of illegal content and disinformation, and in particular the spreading of terrorist and violent content and hate speech). 	<ul style="list-style-type: none"> - Before February 2024: reinforced Code of Conduct on countering illegal hate speech online. - Early 2024: high-level anti-hatred conference on the fight against hate and discrimination, followed by European dialogues for reconciliation to draft recommendations on "United in diversity". - DSA: "Article 73 <i>Evaluation: 1. By five years after the entry into force of this Regulation at the latest, and every five years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee. (...)</i>".

This briefing, drafted by the Policy Department on Citizens' Rights and Constitutional Affairs in the view of the Workshop on "The EU as a Union of Equality?" organised for the LIBE Committee, aims at providing relevant information and updates on the various strategies, action plans and strategic frameworks launched by the Commission under the Union of Equality umbrella, as well as on other equality directives, framework decisions and further initiatives falling under the same remit.
