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European Parliament backs new anti-discrimination directive

Discrimination occurs, not only in employment but also in access to goods and services such as banking, education, transport and health. A directive aiming to guarantee equal treatment in these areas is backed by the European Parliament, which particularly highlights the need to tackle multiple discrimination.

The directive put forward by the European Commission is intended to reduce discrimination on grounds of religion or belief, age, disability or sexual orientation, whether direct or indirect, and whether based on real or presumed criteria. It comes on top of three other directives: one on discrimination based on racial or ethnic origin, both within and outside the labour market, one on discrimination on the labour market and one on equal treatment between men and women. All these goals were reaffirmed by members of the European Parliament when they adopted a consultation report by Kathalijne Buitenweg (Greens/EFA, NL) by 360 votes in favour and 227 against.

The directive will apply to social protection and health care, social benefits, education and access to goods and services, including housing. MEPs would like it to apply to access to transport as well. However, they say transactions between private individuals outside professional and commercial activities should be excluded.

Parliament also believes the directive should cover multiple discrimination, based on two or more grounds, as well as discrimination by association. However, owing to the excessive burden on micro-enterprises, they should be afforded special protection, following the model of the US Civil Rights Act.

No impact on matrimonial law or the secular state

MEPs stress that the directive does not impinge on the separation of powers between the European Union and its Member States nor does it affect national law on marriage, the family and health. Member States retain responsibility for the organisation and content of education. National laws on the secular nature of the state are not affected, nor are differences of treatment based on nationality. Member States are not precluded from taking steps to prevent or compensate for disadvantages (such as positive action or quotas) or from allowing such measures to be taken by the public, private or voluntary sectors.

MEPs also want the advertising and media sectors to be excluded from the scope of the directive

Harassment is discrimination

Press release

Under the directive, harassment - where unwanted conduct takes place with the effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment - must be deemed a form of discrimination. MEPs stress that the concept of harassment must be defined in accordance with national law and the practices of Member States.

Improving arrangements for the disabled

The directive bans discrimination on grounds of disability - as understood in the definition by the United Nations - in access to social protection, social benefits, health care, education and goods and services. MEPs want it also to cover transport, telecommunications, information, financial services, culture and leisure. Efforts at "reasonable accommodation" of the needs of people with disabilities (for example wheelchair access to buildings) must be made or alternative solutions found where appropriate. However, such measures must not impose a "disproportionate burden" nor require a fundamental change in the nature of the goods and services in.

Some differences of treatment must be tolerated

Member States may allow some differences of treatment, such as in access to education provided by religious bodies, so as to maintain the particular character and ethos of such establishments and a plurality of educational systems, provided that this does not represent an infringement of the right to education and does not justify discrimination on any other grounds.

Risk factors related to disability and age used in the insurance and banking industries should not be regarded as discrimination as they are a determining factor for the assessment of risk. However, MEPs call for service providers to demonstrate the risks precisely.

In addition, say MEPs, differences of treatment on grounds of age may be accepted if legitimate, for example in the sale of alcohol, weapons or the granting of driving licences. But young people with disabilities must also have access to favourable terms and conditions such as free or reduced tariffs for the use of public transport, museums or sport facilities.

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