EU EQUALITY LAW

Legal Framework

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• A multilevel law
• A law to export to the rest of the world
• A law threatened in times of crisis
• A law requiring reaffirmation
The Role of Equality in the European Union

- Equality as essential foundation of the Communities and European Union
- Equality as EU principle
- Equality as EU value

EU Legal Basis of Equality and Non-Discrimination

- Founding treaties of the European Union
- Charter of Fundamental Rights of the European Union
- Directives on equal treatment
- International instruments
  - Council of Europe
  - United Nations
- Constitutional traditions common to Member-States
Founding Treaties of the European Union

- **Original treaties**
  - Prohibition of discrimination on grounds of nationality
  - Equal pay between women and men
  - Relevance of EC case-law in the disclosure of the Equality and Non-discrimination Law

Treaty of Amsterdam
- Equality between women and men entrenched in the EC
- Introduction of the *mainstreaming* concept in original law
- Introduction to Article 13 of the EC treaty

Treaty of Lisbon
- Equality as EU goal
- Expansion of mainstreaming concept to all suspect classifications

Impact of the amendments to the Treaties under Equality Law
**Charter of Fundamental Rights of the European Union**

- “Human dignity is inviolable. It must be respected and protected” – Article 1 of the Charter
- **Title III: Equality**
  - Equality before the law (Article 20);
  - Non-discrimination on the grounds of several suspect classifications (Article 21);
  - Equality between women and men (Article 23);
  - Cultural, religious and linguistic diversity (Article 22);
  - Rights of the Child (Article 24);
  - Rights of the Elderly (Article 25);
  - Rights of people with disabilities (Article 26)

**Directives on Equal Treatment**


Universal and International Instruments

• UN General Instruments
  ✓ UN charter - Articles 1, 3, 13 and 55 (c);
  ✓ UDHR - Articles 1, 2, 7, 16 (1), 21(2), 23 (2), and 25 (2);
  ✓ IPCPR - Articles 2, 3, 14 (1), and 26
  ✓ ICESCR - Articles 2 (2), (3), 7(a)i)

Specific instruments
  ✓ Convention on the elimination of all forms of racial discrimination
  ✓ Convention on the elimination of all forms of discrimination against women
  ✓ ILO conventions 100 concerning equal remuneration and 111 concerning employment and occupation;
  ✓ UNESCO convention against discrimination in education
  ✓ Convention on rights of persons with disabilities
  ✓ Convention on the rights of the child
International and Regional Instruments

- Council of Europe
- European Convention on Human Rights
  - Article 14
  - Protocol No. 12
- Importing the case-law of the ECHR in the interpretation and enforcement of European Convention on Human Rights
- Other Council of Europe conventions

The CJEU dialogue with other enforcers of Equality and Non-discrimination Law

- ECHR – a more difficult dialogue after OPINION 2/13?
- Constitutional Courts of Member States - dialogue or two monologues?
- Human Rights Committee
Presently, the world faces several challenges - international terrorism, migratory movements, racism, xenofobia, populism, nationalism, etc. - imposing the reinforcement of the EU Equality and Non-discrimination Law.

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BACKGROUND TEXTS