EU Law on Equality between Women and Men in Practice
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THE ROLE OF EQUALITY BODIES

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EU requirement to establish equality bodies

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment irrespective of racial or ethnic origin


- Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

- Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)426 final)
Objective of equality bodies

• “Protection against discrimination based on sex should itself be strengthened by the existence of a body or bodies in each Member State, with competence to analyse the problems involved, to study possible solutions and to provide concrete assistance for the victims”

• Acknowledgement of that laws are not sufficient to achieve equality

• Narrow: Secure implementation of EU law in Member States

• Broad: Secure implementation of equality norms and values
Minimum requirements to equality bodies (1)

- Member States shall designate a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of sex. These bodies may form part of agencies with responsibility at national level with the defence of human rights or the safeguard of individual’s rights.
Minimum requirements to equality bodies (2)

- Member States shall ensure that the *competences* of these bodies include:
  - [...] providing *independent* assistance to victims of discrimination in pursuing their complaints about discrimination;
  - conducting *independent* surveys concerning discrimination;
  - publishing *independent* reports and making recommendations on any issue relating to such discrimination;
  - at the appropriate level exchanging available information with corresponding European bodies such as any future European Institute for Gender Equality.
Different models in practice

• Commissions
• Ombud institutions
• Quasi-judicial bodies
• Part of NHRI
• Often a mixture
• Single strand/horizontal approach
When is the EU requirement met?
- an example from Denmark

- 2000-2008: The Gender Equality Board
- 2002: DIHR appointed equality body in regard to race and ethnicity
- 2003-2008: The Complaints Committee for Ethnic Equal Treatment
- 2008: EU Commission questions Danish implementation
- 2009 Jan: The establishment of the Equal Treatment Board
- 2009 Nov: Reasoned opinion from EU Commission
- 2009 Dec: Danish government points to DIHR as gender equality body
Assistance to victims of discrimination (1)

• Informing about rights and means of redress
  – by the equality body itself
  – In cooperation with national stakeholders

• Legal aid and other assistance
  – mediation
  – settlement negotiations
  – facilitating court proceedings

• Investigating complaints and making decisions
Assistance to victims of discrimination (2)

• The importance of participating in national court proceedings

• A right under EU and/or national law for equality bodies to participate in national court proceedings?

• Means of participation in national court proceedings
  – representing individuals
  – class actions
  – bringing legal proceedings in own name
  – interventions
Surveys, reports and recommendations

• Taking cases up on own initiative (specific investigations)
• General inquires
• Reports and research
• Recommendations to government
Exchanging information

- European Institute for Gender Equality
- Equinet
- Scandinavian network of equality bodies
- Other
  - EU Agency for Fundamental Rights
  - Network of experts on employment and gender equality issues
  - Network of experts in gender equality, social inclusion, health and long-term care