

Legislation important in efforts to combat discrimination

Swedish Presidency of the EU, 18.11.2009

What is, and what should be, the role of legislation in efforts to combat discrimination? Will the current draft anti-discrimination directive help to reduce discrimination in the EU Member States, and how can we best combat multiple discrimination? These were just some of the questions discussed at the Equality Summit held on 16-17 November.

Equality Summit



Nyamko Sabuni

Photo: Gunnar Seijbold/Regeringskansliet



Myria Vassiliadou

Photo: Gunnar Seijbold/Regeringskansliet



Thomas Hammarberg



Photo: Gunnar Seijbold/Regeringskansliet

Hans Ytterberg



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Ioannis Dimitrakopoulos

One of the themes discussed at the Equality Summit was the significance of anti-discrimination legislation in general, and the draft anti-discrimination directive in particular. The draft directive would expand protection against discrimination on grounds of religion or belief, disability, age or sexual orientation, and covers areas outside of working life. The draft is currently being negotiated in the Council of the European Union.

"To fail to adopt a directive would be indefensible from both an individual and a societal point of view," said Minister for Integration and Gender Equality Nyamko Sabuni, who opened the

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conference by highlighting the socio-economic gains to be made from a society free from discrimination. "If we need more time, we will continue to support Spain in future work on the directive," she said.

Increase in discrimination in the wake of the financial crisis

"The anti-discrimination directive is the most important move ahead," said Myria Vassiliadou from European umbrella organisation Social Platform. She believes that the current financial crisis is opening the way to creating a society free from discrimination that is sustainable in the long term. Ms Vassiliadou also referred to the recent results of the European Commission's Eurobarometer survey, which showed that the majority of EU citizens believe that the financial crisis will lead to an increase in discrimination in society, particularly on the grounds of age.

The Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, also warned that the situation of many vulnerable groups, such as the Roma, LGBT people and women, may deteriorate as a result of the financial crisis. Mr Hammarberg gave examples of how existing legislation within the framework of the Council of Europe is often disregarded when it comes to these groups.

"Basically, in all countries we have fairly advanced legislation," he said. "But we have to make sure these norms are implemented in reality. It is important to connect the national and the European level with the local level and make sure that it is accepted at the local level."

Good examples from work on new legislation

Good examples of work on new legislation in various countries were presented in a workshop on current and future anti-discrimination legislation. Hans Ytterberg, Director-General at the Division for Discrimination Issues at the Ministry of Integration and Gender Equality, began the session by stressing the importance of legislation.

"Some say you cannot change by law, only this is a false credo. Without the law you have no floor to stand on, no minimum standards. It will be more difficult to change the hearts and minds of people," he said.

During the afternoon, examples from Northern Ireland were presented, illustrating the important role of national anti-discrimination institutions in advising governments on the form of new legislation, disseminating knowledge of legislation and, in the longer term, helping with its implementation. The importance of close cooperation with NGOs and other stakeholders was also mentioned as a recipe for success by the Slovakian government's representative. The British delegation mentioned the importance of taking account of how socio-economic factors also discriminate against people.

Multiple discrimination in the Member States

Dezideriu Gergely from the Romanian National Council for Combating Discrimination reported the results of a survey on multiple discrimination in the Member States conducted by the EC Governmental Expert Group on non-discrimination. There is a noticeable lack of both a common definition of multiple discrimination and a common way of dealing with this form of discrimination. In some Member States, for example, cases of discrimination on multiple grounds imply higher levels of compensation. The report also showed that very few cases of multiple discrimination are brought to court in the Member States, and of those that are, the majority involve a combination of gender and one other ground of discrimination. However, grounds of discrimination are always dealt with separately in the judicial system.

"At the EU level we do not have a minimum standard brought up in the directives with regard to multiple discrimination, and therefore legislation in the Member States is still uncommon," said Mr Gergely, although he added that this does not necessarily have to be a problem. "The challenge is more on the practical side, how do the courts interpret the legislation?" Mr Gergely said.

Lack of awareness of legislation

Ioannis Dimitrakopoulos from the EU Fundamental Rights Agency provided further evidence that much remains to be done with regard to drawing attention to existing anti-discrimination legislation.

"Only 30-39 per cent had heard of the anti-discrimination legislation," he said, referring to the two surveys carried out by the Agency in the EU Member States. In a survey on discrimination against ethnic minorities, 14 per cent responded that they feel that they are discriminated against on more than one ground. Even more worryingly, perhaps, 82 per cent did not report this discrimination, mostly because they did not believe that it would make any difference. A majority also said that they did not know how to go about reporting discrimination. Reporting discrimination is important to achieve both a better understanding and greater awareness of legislation, Mr Dimitrakopoulos said. He believes that national anti-discrimination institutions should receive better support in the form of resources and mandates.

Towards a new legal framework

The discussions at the conference made it clear that legislation is important and necessary in the fight against discrimination. A new anti-discrimination directive is therefore seen as a welcome addition to EU legislation. The Treaty of Lisbon, Article 10 of which provides that new EU policies are to be examined on the basis of their effect on equality, may also be significant in future work. At the same time, it was clear that legislation alone is not enough and that cooperation between national anti-discrimination institutions and NGOs is necessary in legislative work but also, perhaps even more importantly, in ensuring that those who are supposed to benefit from legislation are actually aware of it.

Source:

http://www.se2009.eu/en/meetings_news/2009/11/18/legislation_important_in_efforts_to_combat_discrimination