

EQUINET EUROPEAN NETWORK OF EQUALITY BODIES

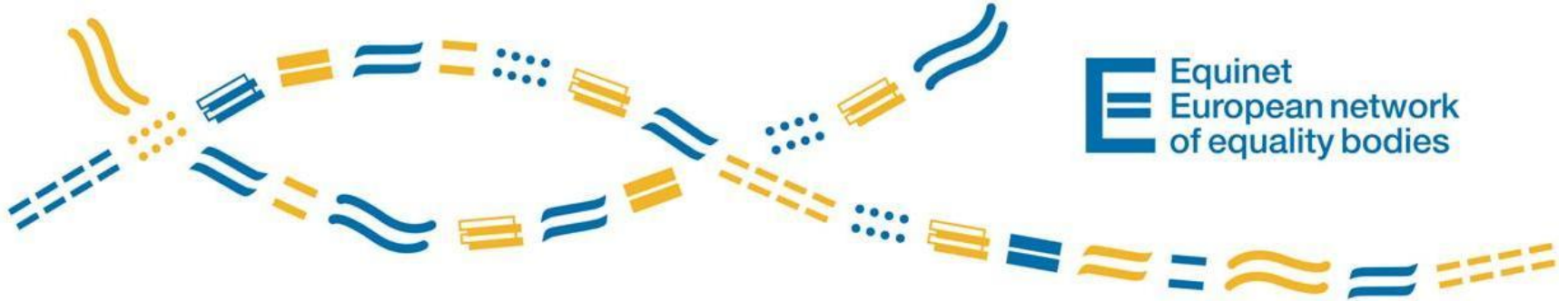
Gender Equality Working Group

The experiences of equality bodies with Directive 2004/113/EC

Mirosław Wróblewski and Stefania Minervino

Brussels, 24 April 2014, *Gender Equality Seminar*

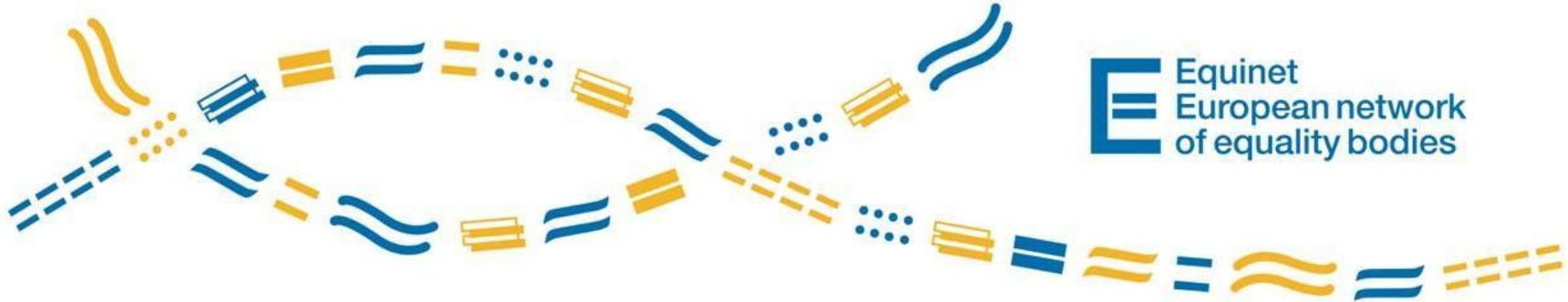




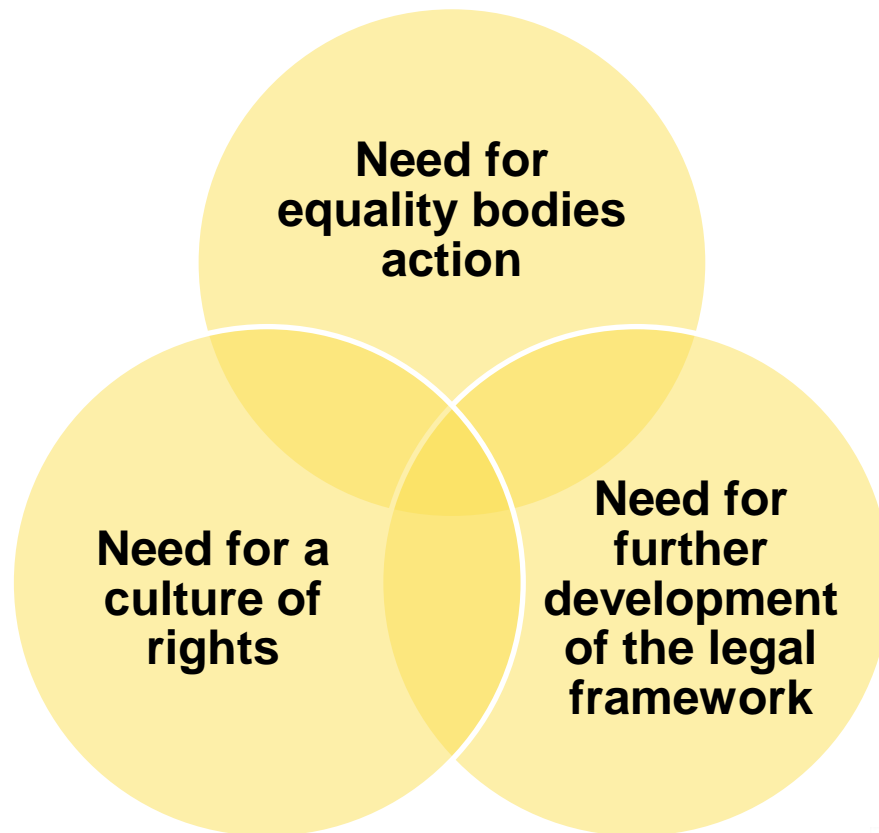
Methodology

- Equinet Gender Equality Working Group
- WG exchanges and survey
- Answers from 20 equality bodies

- AUSTRIAN OMBUD FOR EQUAL TREATMENT
- INSTITUTE FOR EQUALITY BETWEEN WOMEN AND MEN, BELGIUM
- OFFICE OF THE COMMISSIONER FOR ADMINISTRATION (CYPRUS OMBUDSMAN)
- OFFICE OF THE PUBLIC DEFENDER OF RIGHTS , CZECH REPUBLIC
- DANISH BOARD OF EQUAL TREATMENT
- OMBUDSMAN FOR EQUALITY, FINLAND
- DEFENDER OF RIGHTS, FRANCE
- GREEK OMBUDSMAN
- FEDERAL ANTI-DISCRIMINATION AGENCY, GERMANY
- EQUAL TREATMENT AUTHORITY, HUNGARY
- EQUALITY AUTHORITY, IRELAND
- NATIONAL EQUALITY COUNCILLOR, ITALY
- EQUALITY AND ANTI-DISCRIMINATION OMBUD, NORWAY
- HUMAN RIGHTS DEFENDER, POLAND
- COMMISSION FOR EQUALITY IN LABOUR AND EMPLOYMENT, PORTUGAL
- NATIONAL COUNCIL FOR COMBATING DISCRIMINATION, ROMANIA
- NATIONAL CENTRE FOR HUMAN RIGHTS, SLOVAKIA
- EQUALITY OMBUDSMAN, SWEDEN
- EQUALITY AND HUMAN RIGHTS COMMISSION, UK-GB
- EQUALITY COMMISSION FOR NORTHERN IRELAND, UK-NI



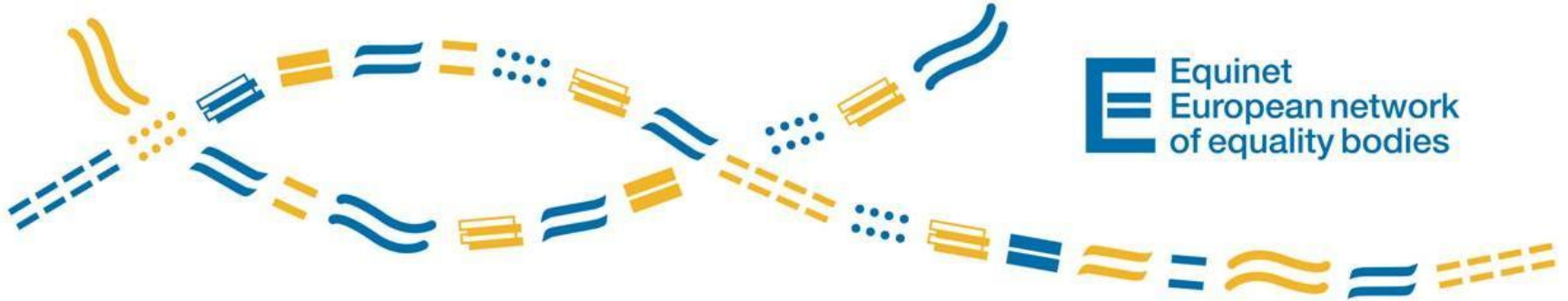
Three lessons learnt



**Need for
equality bodies
action**

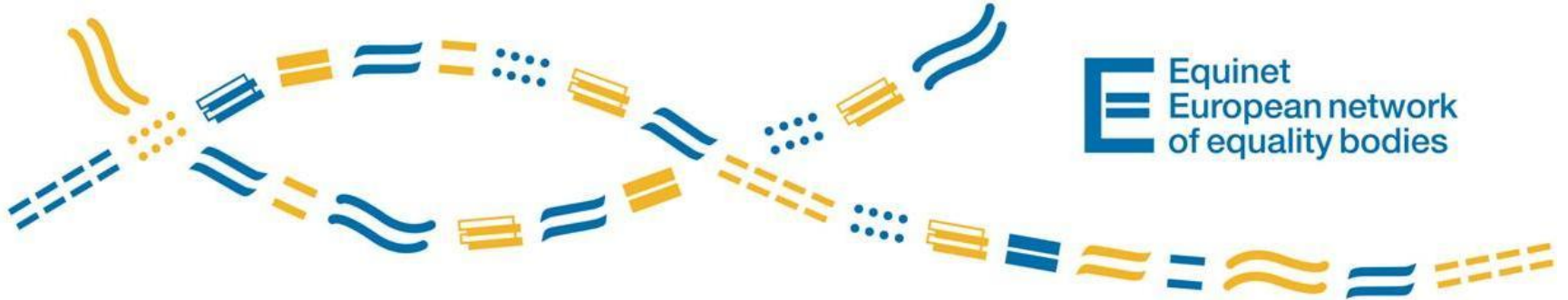
**Need for a
culture of
rights**

**Need for
further
development
of the legal
framework**



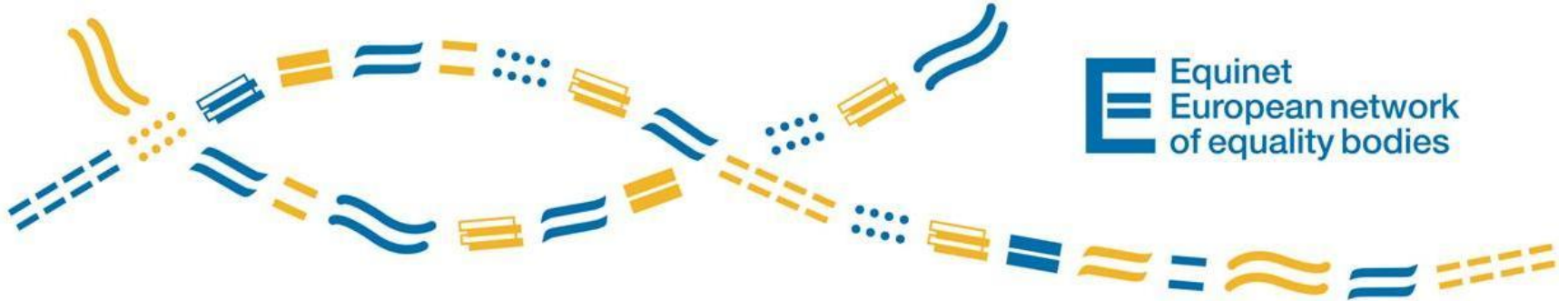
Equality bodies action

- **Compliance with Article 12** of the Directive
- Challenge to **equality bodies to build a strategy to explore the potential of this Directive** and to make it more effective.
 - Promotional, communication and research work as tools to combat high level underreporting and low general awareness .



Equality bodies action – independence and effectiveness

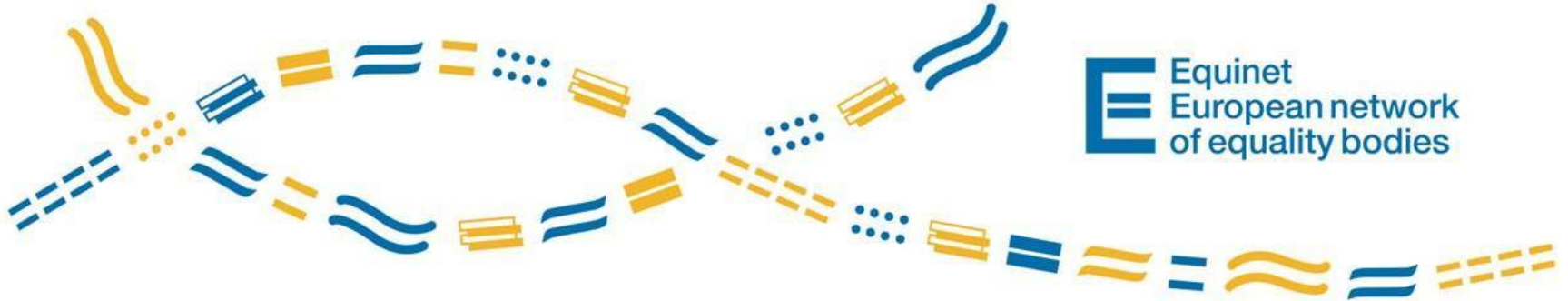
- Equality bodies need **independence and effectiveness** to pursue their mandate and ensure their role.
- Equality bodies reported on several occasions the lack of sufficient **resources** to ensure further work in the area of goods and services and to open up the potential of this Directive.



Further development of the legal framework

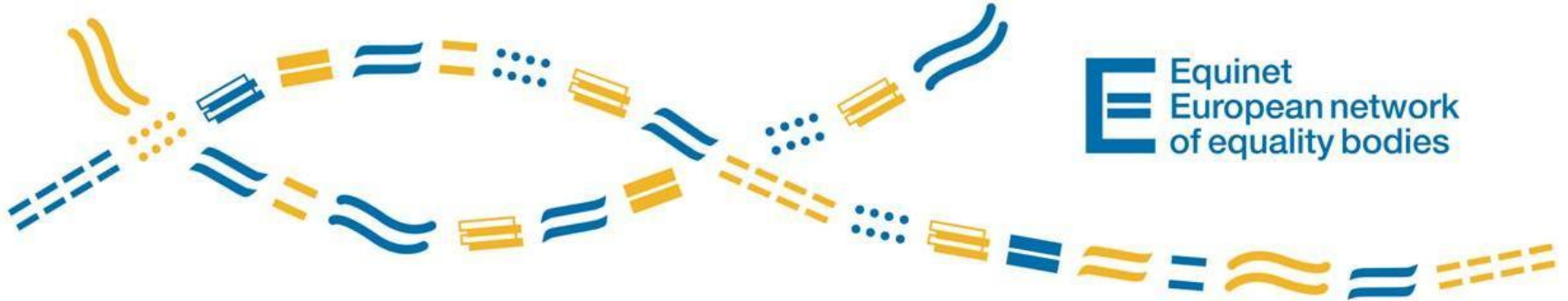
Heterogeneous experience and variation of interpretation of the goods and services provisions among the equality bodies, also related to different national legislation.

- Need for further clarification of some provisions of the Directive.
- Need to ensure harmonisation of national laws



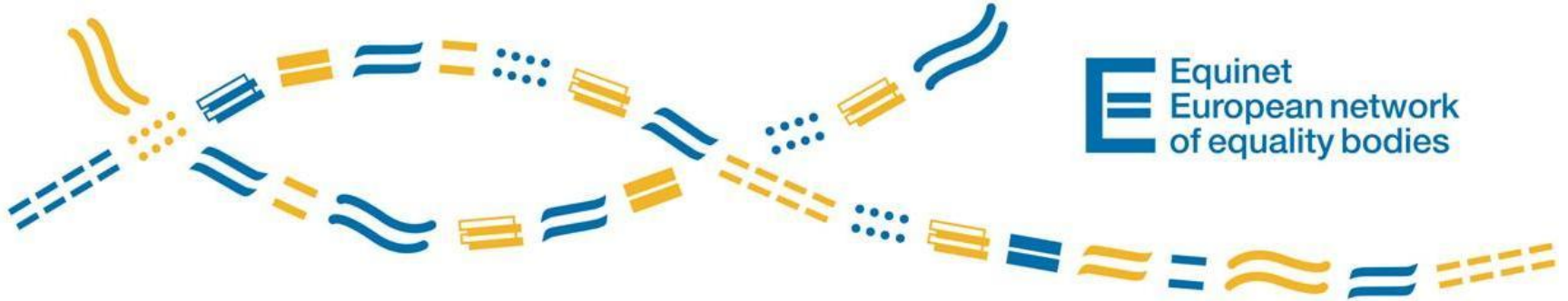
Further development of the legal framework - Art 4.5

- **Article 4.5 and recitals 16 and 17** allowing difference in treatment. Which aims are legitimate? Which means of achieving that aim are appropriate and necessary?
 - Lack of case law on national and EU-level
 - Risk of interpreting the exception allowing differences in treatment too widely or too narrowly.
- Risk of legal uncertainty



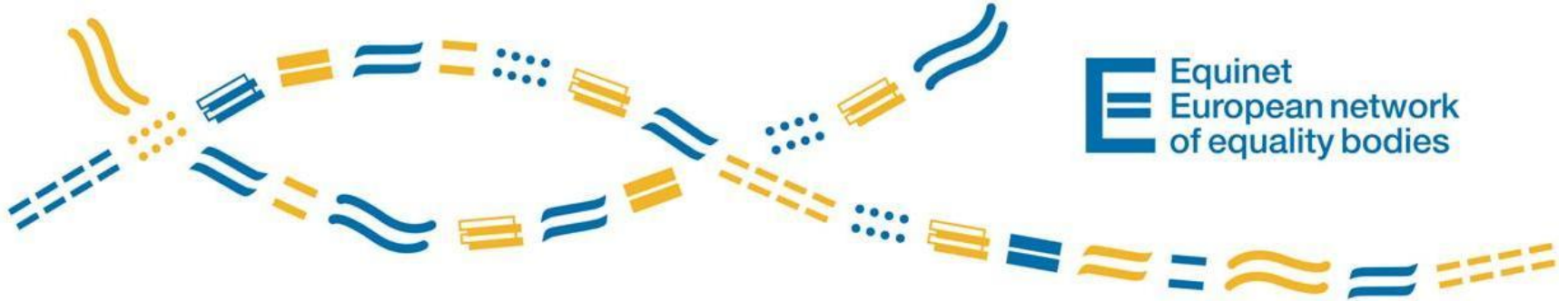
Further development of the legal framework – Scope

- The experience of equality bodies shows the importance of covering areas/scope currently not or not undoubtedly covered in the Directive
 - **Advertisement**
 - **Media**
 - **Education**
 - **Healthcare**
 - **Trans and intersex persons**



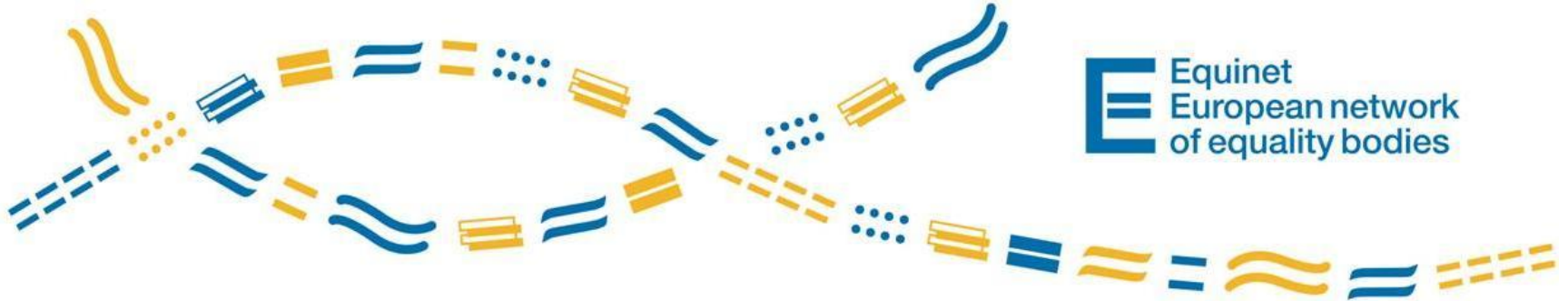
Further development of the legal framework – Sanctions and public sector duties

- Is the Directive's requirement for sanctions to be dissuasive, proportionate and effective currently fulfilled?
- Importance of gender mainstreaming and public sector duties.



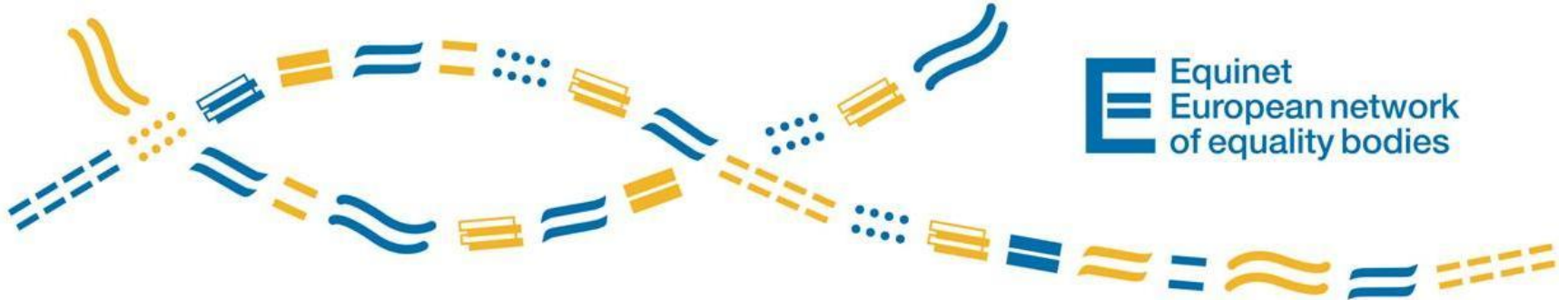
Building a culture of rights:

- Need to **raise awareness and knowledge** about this Directive to ensure the **effectiveness** of the principle of equal treatment between men and women in the access to and supply of goods and services.



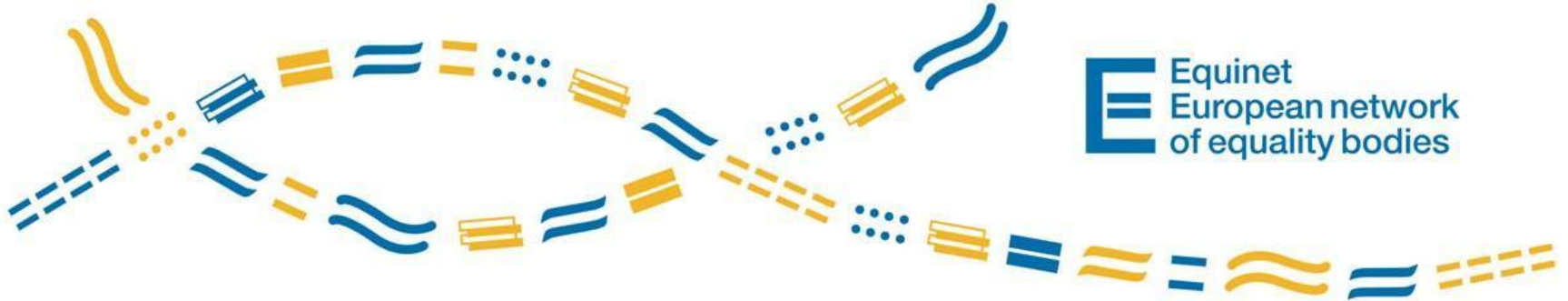
Building a culture of rights – addressing underreporting

- **Cooperation** with women’s associations, service provider networks, and relevant public bodies to establish the **causes** of and **responding** to under-reporting and building **awareness** of rights and available **remedies** in this area.



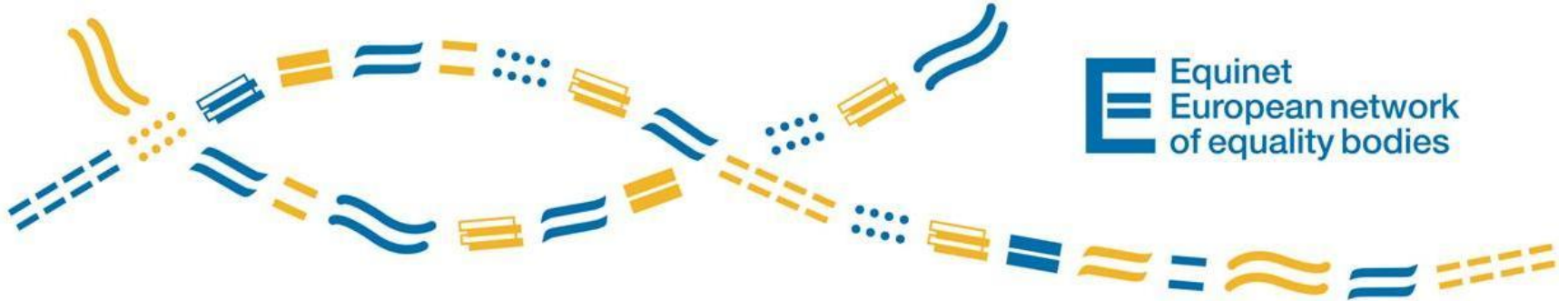
Building a culture of rights – public knowledge

- Addressing **lack of knowledge** about this Directive
- Building public acceptance of **importance** of and **implications** of this Directive.
- **Challenge stereotypes** about gender roles in the areas of goods and services and build a **shared culture** aware of stereotyping in the field.
- Equality bodies can be key actors in this field, together with women's associations, service provider associations and relevant public bodies



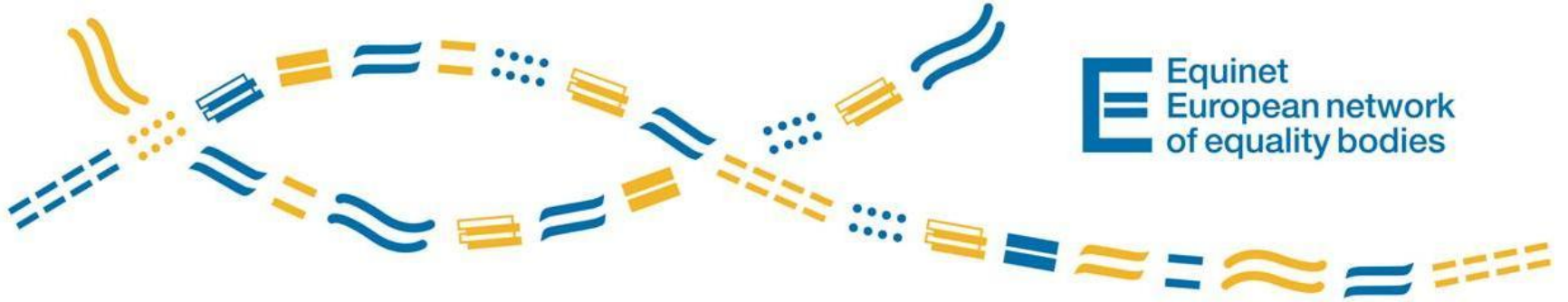
Building a culture of rights - developing a body of research

- Lack of awareness, understanding and knowledge point to a **need for further research** work (EU and national)
- The area of goods and services can be considered relatively **new** to equal treatment provisions and therefore less researched upon.
- Need to establish
 - **how and where** discrimination occurs in this field,
 - the **extent** of this discrimination,
 - how people are **responding** to this discrimination
 - the **impact** of this discrimination.



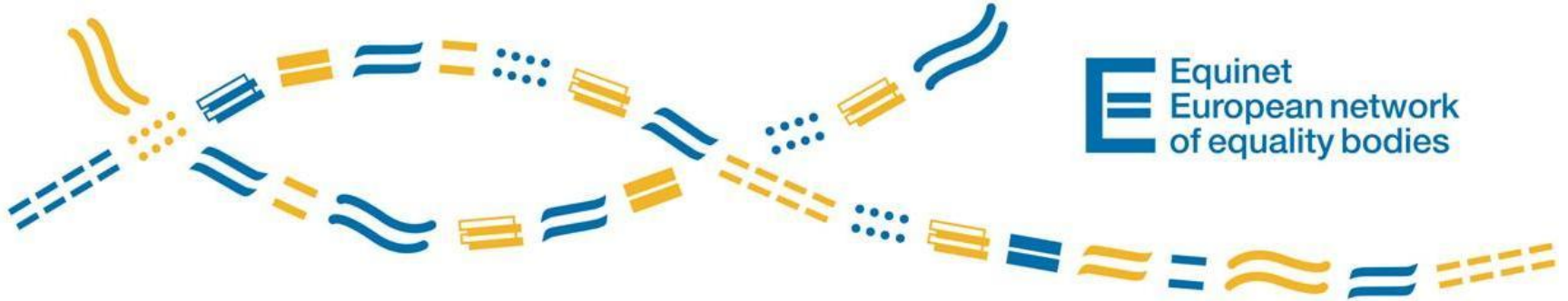
Building a culture of rights - developing a body of research

- Research is needed to
 - support strong **evidence** and
 - build the case for **legislation** in this area
 - build support for its effective **implementation**.
- This would raise **public awareness**, identify the **impact** on women and men and the specific impact on trans people and facilitate **positive action** measures.



Thank you for your attention

Questions?



Contacts

www.equineteurope.org

Facebook: search and like “*Equinet Europe*”

Twitter: follow @equineteurope

EQUINET SECRETARIAT

138 Rue Royale / Koningsstraat

B-1000 Brussels, Belgium

Tel: +32 (0)2 212 3182

info@equineteurope.org