



FACT SHEET 23

Commission communication on non-discrimination and equal opportunities for all – A framework strategy

September 2005

Introduction

Five years after the adoption of the anti-discrimination legislation,¹ in June 2005 the European Commission issued a new framework strategy for EU action on anti-discrimination. The strategy is designed to ensure “that discrimination is effectively tackled, diversity is celebrated and equal opportunities for all are promoted.”²

The publication of the framework strategy for non-discrimination and equal opportunities puts down a marker as to the Commission’s priorities for anti-discrimination. It draws on experience since the legal base for anti-discrimination work was introduced in the Treaty of Amsterdam (1997) and acts as a direct response to the consultation on equality and non-discrimination during 2004.³

The framework strategy will act as an important tool for NGOs in mapping the progress that the Commission is making in the area of non-discrimination. It also identifies those areas which have slipped off the agenda and which need focused NGO activity in order to secure progress in the European context.

Overview of the framework strategy

In the framework strategy the European Commission reiterates its commitment to a multi-pronged response to the problem of discrimination. In an interview, Barbara Nolan, head of the responsible unit in the Commission, acknowledged that: “legislation in itself ... is not enough to tackle some of the very deep-rooted patterns of inequality experienced by some groups in our society.”⁴

¹ In 2000 the European Community (EC) enacted two Directives that prevent people in the European Union from being discriminated against on grounds of race and ethnic origin (Race Directive, 2000/43/ec), and on grounds of religion or belief, disability, age or sexual orientation (Employment Directive, 2000/78/EC).

² Spotlight July 2005, available at:

http://www.europa.eu.int/comm/employment_social/fundamental_rights/spot/july05_en.htm

³ The results of the public consultation, including ENAR’s response can be found at: http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/green_en.htm

⁴ Spotlight, July 2005, available at:

http://www.europa.eu.int/comm/employment_social/fundamental_rights/spot/july05_en.htm

The framework strategy provides an overview of the priority areas for the Commission in the coming period, as well as elaborating key activities and planned outcomes. Other than the specific dates relating to the completion of certain activities, there is no overall time frame for the implementation of the strategy (a summary of the key outputs is outlined in table 1). The strategy is complemented by annual work plans under the Community Action Programme to Combat Discrimination.⁵

The framework strategy itself is divided into **seven areas of activity**: (1) ensuring legal protection; (2) assessing the need for new legal protections; (3) mainstreaming; (4) learning from good practice; (5) awareness-raising and cooperation; (6) special initiative on ethnic minorities; and (7) international cooperation.

1. Ensuring effective legal protection against discrimination

In this section the Commission outlines its response to concerns that the equality directives have not been fully implemented in all Member States, in particular the lack of effective equality bodies and gaps in awareness-raising activity. The Commission will continue to monitor implementation and infringement procedures, and in 2006 will issue a five-year report on the directives. Other areas of activity to enhance legal protection will include: training; networking and exchange of experience; and awareness-raising activities.

The Commission also expresses its hope that the European Council will be able to reach agreement on standards for combating racism as a crime.

2. Assessing the need for additional legal protections

During the public consultation in 2004 some respondents highlighted a need for additional legal measures to complement the existing law. In particular concerns were expressed that some grounds of discrimination enjoy wider protections than others, in other words that there is a 'hierarchy' of discrimination. In the framework strategy the Commission is clear that, in the short term, it does not intend to come forward with proposals to address this imbalance; however it does undertake to conduct a feasibility study to look into the possibilities for introducing new measures.

3. Mainstreaming

Legislation alone will not overcome discrimination, and the Commission recognises that positive measures might be necessary to overcome legacies of discrimination. In the gender field one response has been the practice of 'mainstreaming',⁶ a practice that has also become associated with overcoming racism and combating discrimination against people with disabilities. In terms of mainstreaming the Commission highlights recent guidelines for monitoring compliance of EU initiatives with the Charter for Fundamental Rights.⁷

⁵ In July 2004 the Commission introduced a proposal for a new Community Programme for Employment and Social Security (PROGRESS), which will replace the four existing community action programmes, including the one on discrimination, COM(2004) 448 final. PROGRESS is currently being negotiated and has a proposed budget of €28.8 million over the period 2007-2013.

⁶ In a report published in 2004 ENAR defined mainstreaming as 'the incorporation of equal opportunities issues into all actions, programmes and policies from the start', quoted in: ENAR (2004) *Mainstreaming Equality in European Union Law and Policy Making*, www.enar-eu.org.

⁷ Compliance with the Charter of Fundamental Rights in Commission legislative proposals, Methodology for systematic and rigorous monitoring, COM(2005) 172.

4. Learning from good practice

In promoting learning and exchange of good practice the Commission is primarily concerned that a range of EU funding instruments should contribute to anti-discrimination.

The Commission will continue activities aimed at improving the collection of data and statistics on discrimination, and intends to publish a handbook on data collection. In addition the role of the new Fundamental Rights Agency⁸ is highlighted in terms of promoting exchange of good practice.

5. Awareness-raising and cooperation

In order to respond to the emphasis on awareness-raising during the Green Paper consultation the Commission has proposed designating 2007 as the Year of Equal Opportunities for All,⁹ in order to complement the 2008 Year of Intercultural Dialogue.

The other major commitment in the area of awareness-raising is a decision to hold an annual high-level equality summit, the first of which will take place in 2007 to coincide with the Year of Equal Opportunities. Participants in the summit will include ministers, heads of national equality bodies, presidents of European-level NGOs, European social partners, and international organisations.

The Commission has expressed its intention to focus on employers in terms of awareness-raising activities, however the strategy does not outline any new initiatives in this area.

6. A special initiative on ethnic minorities

In the strategy the Commission acknowledges that one of the biggest challenges facing the European Union is to promote the social and economic inclusion of ethnic minority communities, and in particular to address discrimination faced by Roma, new migrants, established minorities of immigrant origin and other minority groups. The Commission points out that despite existing initiatives, the challenge remains to maximise the effectiveness of the tools on the table.

In order to promote policy developments in this area, the Commission will establish a high-level advisory group on the social and labour market integration of 'disadvantaged ethnic minorities'.

7. International cooperation

In terms of its relationships with third countries, including accession countries, the EU will continue to promote anti-discrimination and equal opportunities, as well as broader human rights concerns. In addition the EU will maintain cooperation with relevant international organisations including the UN, the Council of Europe and the OSCE. However the strategy does not outline specific new initiatives that will be taken in the area of external cooperation.

⁸ For further information see ENAR Fact Sheet 22, Proposal for a council regulation establishing a European Union Agency for fundamental rights (September 2005), www.enar-eu.org.

⁹ For further information see ENAR Fact Sheet 21, European Commission proposal for a European Year of Equal Opportunities for All 2007 (August 2005), www.enar-eu.org.

Table 1: Summary of key outputs during the implementation of the framework strategy

Biannual report of the situation of persons with disabilities	2005
Evaluation of the Community Action Programme	2005
First high level advisory group on integration of ethnic minorities	2006
Five year report on the transposition of the directives	2006
Publication of a feasibility study into new legal initiatives	2006
Handbook on data collection	2006
First high-level equality summit	2007
Year of Equal Opportunities for All	2007
Tools to promote mainstreaming of non-discrimination	
Annual report on the implementation of the directives	

Work Plan 2006

In June 2005 the Commission published the 2006 work plan for the Community Action Programme to Combat Discrimination, which includes ongoing initiatives as well as new activities as outlined in the framework strategy.¹⁰ Broadly there are three main areas of activity under the Action Programme: analysis and evaluation; capacity building; and awareness-raising. A number of specific outputs are highlighted in the plan including the publication of reports on multiple discrimination, and socially disadvantaged ethnic minorities. In addition there will be a Eurobarometer survey on attitudes towards diversity.

Conclusion

The publication of the framework strategy serves to outline the European Commission's intentions in the area of anti-discrimination. It offers both a broad analysis of where the Commission will focus its energy, as well as detailing some specific initiatives that it has committed to. Overall the strategy will be complemented by the Commission's annual work plans, and funded through the existing Community Action Programme in 2006, and thereafter through the proposed PROGRESS programme.

The strategy will serve as a tool for NGOs, both in terms of monitoring areas of activity (and non-activity) of the Commission, but also as a preparatory mechanism for those actors seeking to use European initiatives to influence the direction of national policy. For instance the forthcoming study on multiple discrimination may prove useful in promoting national and local responses to multiple discrimination.

ENAR will monitor the implementation of the strategy closely and seek to influence its elaboration in order to ensure that it contributes to, and supports, the fight against racism and discrimination in Europe.

¹⁰ Annual Plan of Work and Budget Breakdown, January to December 2006, http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/prog/planprogbud2006_en.pdf

Key documents

Commission Communication on Non-Discrimination and Equal Opportunities for all – A Framework Strategy, COM(2005) 224 final,
http://europa.eu.int/comm/employment_social/fundamental_rights/public/pubst_en.htm#Commission

Proposal for a Decision on the European Year of Equal Opportunities for All (2007) Towards a Just Society, COM(2005) 225 final,
http://europa.eu.int/comm/employment_social/fundamental_rights/public/pubst_en.htm#Commission

European Commission pages on the GREEN PAPER - Equality and non-discrimination in an enlarged European Union (June 2004):
http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/green_en.htm

Community Action Programme Annual Plan of Work and Budget Breakdown, January to December 2006,
http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

Proposal for a Decision Establishing a Community Programme for Employment and Social Solidarity – PROGRESS, http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2004/com2004_0488en01.pdf

ENAR Fact Sheet 21: European Commission proposal for a European Year of Equal Opportunities for All 2007 (August 2005), http://www.enar-eu.org/en/info/2_3.shtml

ENAR Fact Sheet 19: Analysis and recommendations on the Green Paper, http://www.enar-eu.org/en/info/2_3.shtml

ENAR response to the Green Paper on equality and non-discrimination,
http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/green_en.htm

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ENAR is a network of some 600 European NGOs working to combat racism in all EU Member States. Its establishment was a major outcome of the 1997 European Year against Racism. ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.



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