



Committee of the Regions

**ECOS-053**

Brussels, 6 December 2005

**OPINION**

of the

Committee of the Regions

of 16 November 2005

on the

**Communication from the Commission to the Council, the European Parliament, the European**

**Economic and Social Committee and the Committee of the Regions**

**Non-discrimination and equal opportunities for all - A framework strategy**

COM(2005) 224 final

**Proposal for a Decision of the European Parliament and the Council**

**on the European Year of Equal Opportunities for All (2007)**

**Towards a Just Society**

COM(2005) 225 final - 2005/0107 (COD)

**THE COMMITTEE OF THE REGIONS,**

**Having regard to** the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “*Non-discrimination and equal opportunities for all - A framework strategy*” COM(2005) 224 final and the Proposal for a Decision of the European Parliament and the Council on “*the European Year of Equal Opportunities for All (2007) Towards a Just Society*” COM(2005) 225 final - 2005/0107 (COD),

**Having regard to** the decision of the European Commission of 1 June 2005 to consult it on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community,

**Having regard to** the European Parliament’s Resolution on protection of minorities and anti-discrimination policies in an enlarged Europe and the CoR’s forthcoming opinion in response to this Resolution,

**Having regard to** the decision of its President of 25 July 2005 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject,

**Having regard to** its opinion on equal treatment (CdR 513/99 fin)<sup>1</sup>,

**Having regard to** Directives 2000/43/EC and 2000/78/EC (implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and establishing a general framework for equal treatment in employment and occupation),

**Having regard to** its opinion on implementing the principle of equal treatment between men and women in the access to and supply of goods and services (CdR 19/2004 fin)<sup>2</sup>,

**Having regard to** its opinion on the Green Paper on equality and non-discrimination in an enlarged EU COM(2004) 379 final (CdR 241/2004 fin)<sup>3</sup>,

**Having regard to** its Draft Opinion CdR 226/2005 rev. 1 adopted on 23 September 2005 by its Commission for Economic and Social Policy (Rapporteur: **Clr Peter Moore**, Member of Sheffield Metropolitan Borough Council (UK/ALDE),

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<sup>1</sup> OJ C 226 of 8.8.2000, p. 1

<sup>2</sup> OJ C 121 of 30.4.2004, p. 25

<sup>3</sup> OJ C 71 of 22.3.2005, p. 62

Whereas:

- 1) The Treaty establishing the European Union (Article 13 TEU) sets as a fundamental objective combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
- 2) The provisions of the Charter of Fundamental Rights of the Union, adopted in Nice in December 2000 and inserted into the Treaty establishing a Constitution for Europe (Article II-81), introduce a broad ban on discrimination: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited";
- 3) The Racial Equality Directive (2000/43/EC) and the Employment Framework Directive (2000/78/EC) were due to have been transposed into national law by all Member States by the end of 2003;
- 4) The Social Agenda 2005-2010, which complements and supports the Lisbon Strategy, has a key role in promoting the social dimension of economic growth and one of the priorities of the Social Agenda is the promotion of equal opportunities for all;

**unanimously adopted the following opinion at its 62<sup>nd</sup> plenary session, held on 16 and 17 November 2005 (meeting of 16 November 2005).**

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## **1. The Committee of the Regions' views**

### **The Committee of the Regions**

#### **D) Outcome of the Green Paper Consultation**

- 1.1 **welcomes** the Commission's attempt to take account of the comments and reactions received from over 1500 organisations in response to the Green Paper consultation on "Equality and non-discrimination in an enlarged EU" adopted by the Commission in May 2004;
- 1.2 **notes** that in addition to the Committee of the Regions, a large number of local and regional authorities and their associations took part in the consultation process;
- 1.3 **highlights** that the interest shown by the local and regional level in the Green Paper reflects the fact that local and regional authorities have a major role to play in delivering strategies

dealing with non-discrimination and equal opportunities for all. This is largely due to their role as major employers, as well as their responsibility as providers and procurers of goods and services;

- 1.4 **expresses** gratitude that the Commission broadly took into account a number of its concerns, as set out in its opinion on the Green Paper, particularly with regard to efforts to improve implementation of non-discrimination laws, information and awareness raising, stakeholder involvement and the need to improve monitoring and reporting mechanism.

## **II) Ensuring Effective Legal Protection against Discrimination**

- 1.5 **welcomes** the suggestion to draw up an annual comprehensive report on national implementing measures transposing the provisions of Directives 2000/43/EC and 2000/78/EC;

- 1.6 **welcomes** the publication in early 2006 of Commission reports to the Council and Parliament analysing the state of transposition of Directives 2000/43/EC and 2000/78/EC;

- 1.7 **underlines** however the unsatisfactory state of implementation of anti-discrimination policies by the Member States.

## **III) Assessing the Need for Further Action to Complement the Current Legal Framework**

- 1.8 **reminds** the Commission that it deplores the emergence of a hierarchy of protection between different groups covered by Article 13 and that a more comprehensive EU policy framework remains to be completed with regard to, age, gender, ethnic origin, disability, religion and belief and sexual orientation;

- 1.9 **points out that** although progress has been made regarding female employment, women continue to be paid less than men even when highly educated and for comparable work. Furthermore, employers still take a negative attitude towards gender differences when it comes to pregnancy and maternity;

- 1.10 **emphasises** the specific issue of migrant women in both working life and interpersonal and family relations and calls for a specific study to be carried out by 2008;

- 1.11 **notes** with interest the Commission's proposal to carry out a feasibility study concerning possible new initiatives to complement the current legal framework.

## **IV) Mainstreaming non-discrimination and equal opportunities for all**

- 1.12 **agrees** that it is difficult for legislation alone to tackle deep-rooted patterns of inequality experienced by some groups and that mainstreaming tools should be developed to promote

mainstreaming of non-discrimination. This should also help focus on situations of multiple discrimination;

- 1.13 **repeats** its suggestion that for mainstreaming equality there must be mechanisms to ensure that equality issues and principles are given due regard in the formulation, administration and evaluation of all policies;
- 1.14 **notes** that the Constitutional Treaty further strengthens the European Union's means to fight discrimination by broadening the ban on discrimination through Article II-81, by introducing a horizontal non-discrimination clause in Article III-118 and by strengthening the European Parliament's role in adopting anti-discrimination legislation (Article III-125). Irrespective of the ratification of the Constitutional Treaty, Article 13 of the EC Treaty already provides the legal basis for developing a mainstreaming approach to all the grounds of discrimination.

#### **V) Promoting and Learning from Innovation and Good Practice**

- 1.15 **considers** that education is an important means through which discrimination can be tackled and that local and regional authorities play a vital role in this area;
- 1.16 **welcomes** the Commission's intention to promote exchanges of experiences and good practice between a wide range of stakeholders and believes that local and regional authorities should be key players in these activities;
- 1.17 **welcomes** the increased emphasis placed on gender equality in the proposals for Structural Funds post 2006 but also recognises the importance of the horizontal approach to combating discrimination;
- 1.18 strongly **believes** that funding programmes that help promote exchanges of good practice and learning from others should not be overly bureaucratic with regard to their administrative requirements, which can inhibit take-up of available funding;
- 1.19 **recognises** the valuable work done by the European Monitoring Centre on Racism and Xenophobia and the intention to replace it with a new Fundamental Rights Agency and strongly urges that adequate resources are provided for the new Agency in order for it to fully play its part in the fight against discrimination.

#### **VI) Raising Awareness and Cooperating with Stakeholders**

- 1.20 **considers** that awareness-raising initiatives are crucial for increasing the public's knowledge about their rights at EU level and recognises the importance of targeting these at children and young people;

- 1.21 **suggests** that engaging with minority and community groups is crucial, particularly in rural areas and in areas where, for example there is a small ethnic minority population;
- 1.22 **supports** the initiative to make 2007 the European Year of Equal Opportunities for All and finds this particularly timely since it will be ten years since the European Year Against Racism and the Treaty of Amsterdam, which was significant for the new equalities legislation it brought in;
- 1.23 **points out** that if too much emphasis is placed on big-impact, large-scale activities the risk will be to focus attention on the main events, to the possible detriment of local and community events;
- 1.24 **agrees** with the themes selected for the European Year, namely Rights; Recognition; Representation; Respect;
- 1.25 **considers** that there should be a direct link with the proposed 2008 European Year of Intercultural Dialogue and that any actions in 2007 should be mutually supportive;
- 1.26 **stresses** that the role of the media will be critical to the success of the European Year. Due attention should be paid to the role of local media. Contacts between local and regional authorities and local media will help raise awareness during the year;
- 1.27 **highlights** the need to consult with the local and regional government sector, where many of the Union's policies are delivered, often requiring a considerable administrative and financial commitment. Good policy development and lawmaking requires input from the key stakeholders.

## **VII) Tackling discrimination and social exclusion faced by disadvantaged ethnic minorities**

- 1.28 **supports** the Commission's highlighting of the situation of the Roma as a particular concern and the setting up of a high level advisory group on social and labour market integration of disadvantaged ethnic minorities;

## **2. The Committee of the Regions' recommendations**

### **Implementation of Existing Legislation**

- 2.1 **reminds** the CoR Secretary General of its request to evaluate the personnel policy and employee profile of the Secretariat General with regard to its compliance with the new legislation and to report back both to the Bureau and the ECOS commission within the next six months;

- 2.2 **urges** the CoR national delegations to ensure that nominations submitted for the 2006 mandate should be balanced in terms of gender and ethnic origin and that the Council take this into account when making the appointments;

### **Promoting and Learning from Best Practice**

- 2.3 **repeats** its call for the CoR to commission and publish a vademecum of anti-discrimination good practice for local authorities as employers and further calls for this to cover our role as providers and procurers of goods and services and as leaders in community cohesion and anti-discrimination, linking examples from each Member State of initiatives covering all six grounds for discrimination recognised by Article 13. Where local and regional authorities work with other partners to provide these services, best practice examples of partnership working will be particularly welcome. Publication of this document should be timed to coincide with the launch of the 2007 Year of Equal Opportunities for All. The CoR will take due care not to duplicate any Commission led initiatives in this regard;
- 2.4 with regard to EU funding, **requests** that the Commission should seek creative ways of allowing small NGOs to access smaller levels of funding, with due consideration of administrative and reporting mechanisms;
- 2.5 better data collection, monitoring and analysis is important in order to inform the development of effective policies to promote equality and to tackle discrimination. The CoR **stresses** that local and regional government must be involved in discussions with the Commission regarding developing comparable quantitative data to identify and highlight the extent of existing inequalities. Data monitoring needs to cover as many aspects of potential discrimination as possible, not just gender or ethnicity. It is also important to measure the impact of different types of actions and identify whether changes are necessary.

### **Further Action to Complement the Current Legal Framework**

- 2.6 the CoR **reiterates** its demand, previously made in its opinion on the Green Paper, that legislation on goods and services should be extended to all areas covered in Article 13;
- 2.7 the Commission's feasibility study looking into possible new measures to complement the current legal framework **should draw** on evidence gathered by the CoR in the process of drawing up its vademecum of anti-discrimination good practice.

### **Involvement of Stakeholders**

- 2.8 **requests** that the Commission should explicitly name local and regional authorities when referring to key stakeholders, consistently and throughout the entirety of both the Communication on the framework strategy and the document establishing the European Year of Equal Opportunities for All;

- 2.9 **stresses** that the local and regional level and the Committee of the Regions should be fully involved in any follow-up actions highlighted in the framework strategy;
- 2.10 in particular, the Committee of the Regions **wishes** to be included in the annual high level "Equality Summit" outlined in the draft framework strategy;
- 2.11 a local/regional dimension should be included at the Commission's planned high level advisory group on social and labour market integration of disadvantaged ethnic groups.

**Awareness Raising Activities, including 2007 European Year of Equal Opportunities for All**

- 2.12 **calls on** the UK Presidency to ensure that this dossier progresses speedily through the Council in order that a legal basis for the year can be secured in good time;
- 2.13 **supports** the Specific objectives of:
- i) Rights – Raising public awareness on the right to equality and non discrimination, and as local and regional authorities are the elected bodies closest to the citizen, believes they have a crucial role to play in this, particularly in disseminating this across the regions of Europe outside of the major urban areas. Welcomes the work carried out by the bus used by the Commission to disseminate information about EU citizens' rights with regard to equal opportunities and encourages it now to move beyond Member State capitals. A proactive approach involving local and regional authorities and the CoR should be used to promote the visit of the bus in local areas;
  - ii) Representation – Stimulating debate on ways to increase participation in society with all minorities and with particular emphasis on increasing participation of Roma and Muslim communities;
  - iii) Recognition – Celebrating and accommodating diversity;
  - iv) Respect and tolerance – Promoting a more cohesive society and working on eliminating stereotypes and prejudices. A major tool in achieving this could be through the use of cultural events including music, drama and sport. The Commission could sponsor this and work with national and local and regional bodies and civil society to ensure events take place throughout the participating countries culminating in a major European festival combining both 2007 the year of Equal Opportunities for All and 2008 the year of Intercultural Dialogue. The event to take place in one of the two countries holding the presidency in 2008 (Slovenia/France);

- 2.14 **welcomes** the Commission's view that participating countries should designate a national coordination body including representatives of national government, social partners, targeted communities and other segments of civil society, but **calls** for each coordination body to include representation from local and regional authorities;
- 2.15 **encourages** regional and local authorities to use the logo of the European Year to publicise equal opportunities activities that they carry out in 2007;
- 2.16 **proposes** that the CoR hold a conference early in 2007, as for other European "years" to launch the year.

Brussels, 16 November 2005

The President  
of the  
Committee of the Regions

The Secretary-General  
of the  
Committee of the Regions

**Peter Straub**

**Gerhard Stahl**

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