



European Union Directives on Standards for Equality Bodies

Information note

Disability Advisory Committee

19th June 2023



Contents

Introduction	3
Overview of the proposed European Union Directives on Standards for Equality Bodies	3
Current legislative status of the Directives	4
Disability and the proposed Standards for Equality Bodies	5
IHREC's Engagement with Stakeholders on the Standards for Equality Bodies	7

Introduction

This note is intended to provide information to DAC members on the [European Commission's proposals for two Directives on Standards for Equality Bodies](#). The Directives will be the first ever international, legally binding standards for Equality Bodies. As the National Equality Body for Ireland, the scope of the Directives concerns our mandate; however, the proposals are also relevant to the functions of the Workplace Relations Commission¹ and potentially touches on the remits of other bodies such as the Office of the Ombudsman. As IHREC is a multi-mandate body, with its equality mandate standing alongside our mandate as the National Human Rights Institution, the proposals will be relevant to IHREC's broader functions.

This note gives an overview of the proposed Directives, the current legislative status of the Directives, provisions concerning accessibility and reasonable accommodation within the Directives, and IHREC's engagement in relation to the Directives.

Overview of the proposed European Union Directives on Standards for Equality Bodies

In [December 2022](#), the European Commission published [two proposals for new binding standards for Member State National Equality Bodies](#).² The two proposed Directives are practically identical, but are required to be separate proposals as the two Directives are based on different Articles of the Treaty on the Functioning of the EU.³ One directive is focussed specifically on [National Equality Bodies working on equal treatment on the ground of sex in the field of employment and occupation](#); and the other Directive concerns [National Equality Bodies working on equal treatment on the ground of sex in the field of goods and services and social security, on the grounds of](#)

¹ Provisions within the Directives concern the decision-making functions of equality bodies.

² This initiative was prompted by a [2021 report](#) and an accompanying [Staff Working Document on equality bodies](#), which examined the implementation of the Racial Equality Directive and the Employment Equality Directive in Member States and the work of National Equality Bodies. It concluded that there has been very little progress since the EC published non-binding recommendations on standards for equality bodies [in 2018](#).

³ The Directive on gender equality in employment is based on Article 157(3) of the Treaty on the Functioning of the European Union, while the other Directive is based on Article 19(1) of the Treaty on the Functioning of the European Union.

[religion or belief, disability, age or sexual orientation in the field of employment and occupation and on the ground of racial or ethnic origin in multiple fields.](#)

The proposals on Standards for Equality Bodies are being introduced as the European Commission has identified that existing EU rules on equality bodies leave a wide margin of discretion to the EU Member States as regards their set-up and operation. This has resulted in significant differences across Member States, in particular, regarding the powers, independence, resources, accessibility and effectiveness of equality bodies. The European Commission is seeking to adopt the two Directives to set minimum standards for equality bodies on how they operate in respect of all grounds of discrimination and areas covered by EU equality rules. The Standards cover the mandate, independence, resources, tasks and powers of equality bodies to (1) engage in the prevention of discrimination and awareness raising activities, and (2) deal with cases of discrimination and assist victims.⁴

Current legislative status of the Directives

The European Commission submitted the proposals for the Standards for Equality Bodies separately to the European Council and the European Parliament. Both the Parliament and the Council review the proposals and can propose amendments. The Directives have different voting procedures, with one Directive⁵ requiring an unanimous vote of the Council of the EU while the

⁴ The current draft of the Directives contain the recitals and 22 articles covering: Article 1 – Purpose, subject matter and scope; Article 2 – Designation of equality bodies; Article 3 – Independence; Article 4 – Resources; Article 5 – Prevention, promotion and awareness raising; Article 6 – Assistance to victims; Article 7 – Alternative dispute resolution; Article 8 – Inquiries; Article 8a – Opinions and decisions; Article 9 – Litigation; Article 10 – Procedural safeguards; Article 11 – Equal access; Article 11a – Accessibility and reasonable accommodation for persons with disabilities; Article 12 – Cooperation; Article 13 – Consultation; Article 14 – Data collection and access to equality data; Article 15 – Reports and strategic planning; Article 16 – Monitoring and reporting; Article 17 – Minimum requirements; Article 18 – Processing of personal data; Article 18a – Committee procedure; Article 19 – Deleted articles in Directives 2000/43/EC and Directive 2004/113/EC; Article 20 – Transposition; Article 21 – Entry into force; Article 22 – Addressees.

⁵ Directive on National Equality Bodies working on the ground of sex in the field of goods and services and social security, on the grounds of religion or belief, disability, age or sexual orientation in the field of employment and occupation and on the ground of racial or ethnic origin in multiple fields. This Directive will only be adopted if the Parliament gives its consent. However, the Parliament can only accept or reject the legislative proposal but cannot amend it.

other Directive⁶ requires a qualified majority⁷. The difference in the voting procedures could lead to one of the Directives being adopted much quicker, which may result in a divergence in the provisions in the Directives during the legislative process.⁸ The negotiations in the Council led to a final agreed text, which will be voted on in the upcoming meeting of EU ministers in June. The European Parliament has also started working on the proposals. If the Directives are adopted, Ireland will then have a set period to transpose the Directives into Irish law.

Disability and the proposed Standards for Equality Bodies

While all the provisions within the two Directives will be of relevance to disabled people, this note draws particular attention to two articles included in the current draft of the Directives⁹ which may be of interest to members of the DAC due to the focus of the articles on accessibility and reasonable accommodation:

Article 5 – Prevention, promotion and awareness raising

1. Member States shall adopt appropriate measures, such as strategies, to raise awareness of the general population, throughout their territory, with particular attention to individuals and groups at risk of discrimination, on the rights under Directives 79/7/EEC,¹⁰ 2000/43/EC,¹¹ 2000/78/EC¹² and 2004/113/EC¹³ and on the existence of equality bodies and their services.

⁶ Directive on National Equality Bodies working on the ground of sex in the field of employment and occupation. The European Parliament is a co-legislator (with the European Council) with regard to this Directive meaning that it can suggest amendments to the legislation and both the Parliament and the Council must agree on the text of the Directive before it is adopted.

⁷ Qualified majority (55% of member states, representing at least 65% of the EU population, vote in favour).

⁸ Equinet, [Position paper: Moving forward the European Commission's proposals for Directives strengthening Equality Bodies](#) (2023) pp. 6–7.

⁹ A confidential draft of the revised Directives has been shared with IHREC.

¹⁰ Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.

¹¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

¹² Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

¹³ Council 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.



2. Member States shall ensure that equality bodies are empowered to carry out activities to prevent discrimination and to promote equal treatment.
3. Member States and equality bodies shall take into consideration appropriate communication tools and formats for each target group. They shall focus in particular on groups whose access to information can be hindered, for example by their precarious economic status, age, disability, literacy, nationality, or residence status or by their lack of access to online tools.

Article 11 – Equal access

1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all.
 - a. Equality bodies shall guarantee that there are no barriers to the submission of complaints, for example by being able to receive complaints orally, in writing and online.
2. Member States shall ensure that equality bodies provide their services at no cost to complainants, throughout their territory, including in rural and remote areas.

Article 11a – Accessibility and reasonable accommodation for persons with disabilities

Member States shall ensure accessibility and provide reasonable accommodation for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint handling, alternative dispute resolution, information and publications, as well as prevention, promotion and awareness-raising activities.

The European Disability Forum ('EDF) has expressed support for the Directives,¹⁴ and has proposed amendments:

- Clarifying the provisions on accessibility for persons with disabilities by referring in Article 11(3) to Directive (EU) 2019/882 – the European Accessibility Act, which includes a set of

¹⁴ European Disability Forum, [Proposed amendments to Directives on Standards for Equality Bodies](#) (March 2023).

accessibility requirements applicable by the equality bodies (e.g. information, communication tools, built environment, websites and other mobile-based applications, etc.).

- Amending the recitals to address multiple and intersectional forms of discrimination faced by persons with disabilities in line with article 5 of the UN Convention on the Rights of Persons with Disabilities.

IHREC's Engagement with Stakeholders on the Standards for Equality Bodies

IHREC is engaging with Equinet, the European Network of Equality Bodies, on the Standards for Equality Bodies.¹⁵ In February 2023, Equinet published a position paper on the Standards, [‘Moving forward the European Commission’s proposals for Directives strengthening Equality Bodies’](#), suggesting a number of areas for improvement. Equinet requested IHREC to provide comments on a draft position paper on the Standards before they were published. IHREC met with Equinet staff on the Standards in Brussels in May 2023.

Equinet have encouraged National Equality Bodies to engage with the State on the proposals, and IHREC has been engaging with officials from the Department of Children, Equality, Disability, Integration and Youth (‘DCEDIY) and with the Equality and Children Attaché at the Permanent Representation of Ireland to the EU. P&R met with officials from DCEDIY and from the Permanent Representative in February, March and May 2023. In February 2023, IHREC shared a paper on its list of issues with the Directives with DCEDIY to inform its engagement with the European Commission. This paper was based on IHREC’s feedback on the Equinet position paper. As the legislative process proceeds in the European Parliament, IHREC will continue to engage with relevant stakeholders including Irish Members of the European Parliament.

¹⁵ See [Equinet's webpage on the Standards for Equality Bodies](#) for further information on Equinet’s engagement with the Standards.