

Equality and non-discrimination

Annual report
2005

Fundamental rights & anti-discrimination



Employment & social affairs



European Commission

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European Commission
Directorate-General for Employment, Social Affairs and Equal Opportunities
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Further progress has been made over the past year in combating discrimination and enforcing the right of everyone living in the European Union to be treated equally.

Many Member States have now taken steps to bring their laws into line with the two EU Directives agreed in 2000 — the Racial Equality Directive (2000/43/EC), banning discrimination in most areas of everyday life on grounds of race or ethnic origin, and the Employment Equality Directive (2000/78/EC), banning discrimination in respect of employment and training on grounds of religion or belief, disability, age and sexual orientation. This includes the 10 new Member States which joined the EU in May 2004.

The EU's anti-discrimination action programme has continued to provide support for these efforts, particularly in order to make people aware of their rights and obligations under the new laws and to challenge discriminatory attitudes and behaviour.

Despite this progress, discrimination continues to exist and more needs to be done to ensure that the legal framework is properly implemented and enforced. The Commission is checking that the new laws introduced in Member States comply with the Directives and taking the appropriate action where they do not. It is also in the process of collecting detailed information from Member States on the way they have applied the Directives in the five years since their adoption and will report on this to the European Parliament and Council in 2006.

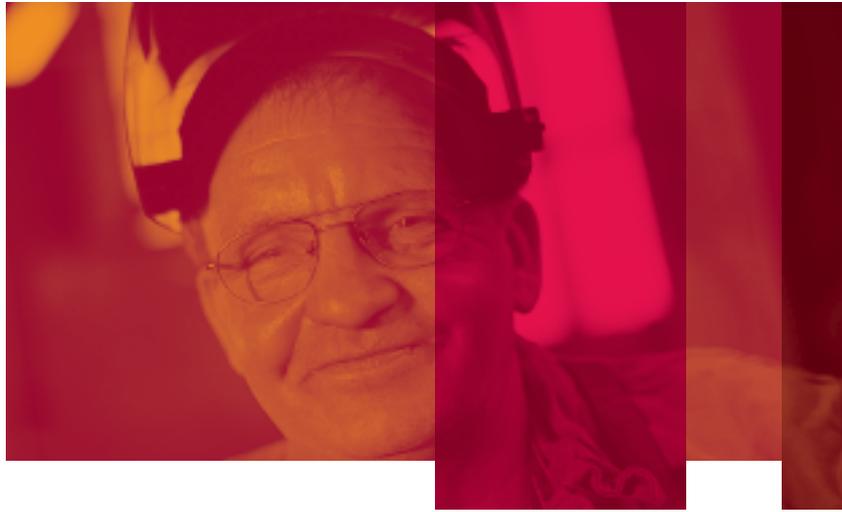
The Commission began a process of consultation on future policy priorities in May 2004, with the publication of a Green Paper on equality and non-discrimination in an enlarged EU. A communication is due to be adopted in mid-2005 following on from the Green Paper and setting out proposals for action, including the organisation of a European Year of Equal Opportunities in 2007.

The high priority accorded by the Commission to policy in this area was reflected by the establishment of a new Group of Commissioners for Fundamental Rights, Anti-Discrimination and Equal Opportunities in 2004. Chaired by the Commission President, the group is intended to drive forward the policy agenda and to ensure coherence between initiatives in this area. Another key development is the plan to establish a new EU Fundamental Rights Agency.

OUTLINE OF REPORT

This report summarises developments in Member States and at EU level over the past year in the fight against discrimination. It is divided into two parts. The first part outlines the requirements contained in the Racial Equality and Employment Equality Directives and the action being taken by the Commission to ensure that Member States are complying with them. It then reviews the new laws and other measures introduced by Member States to meet these requirements, and presents a few examples of the laws being applied in practice.

The second part of the report examines the situation of Roma in the EU, who collectively form the largest ethnic minority in the enlarged EU. It looks at some of the actions being taken by the EU to address the widespread exclusion and discrimination Roma communities face throughout Europe.



The consultation on the future of anti-discrimination policy in the EU

The publication of the Green Paper on equality and non-discrimination in an enlarged European Union (1) initiated a consultation process in 2004 on the further steps which should be taken to extend and strengthen protection against discrimination. Some 1 443 responses to the questionnaire and 150 written contributions were received from all Member States, as well as from Romania and Turkey. These were submitted by national, regional and local authorities, equality bodies, NGOs, social partners, experts and individual members of the public. The main results were presented at the 'Equality in a future Europe' conference in the Netherlands in November 2004. These include the following.

- The EU should increase efforts to combat discrimination following enlargement (according to 88% of respondents).
- The EU should take specific action to tackle the situation of Roma in all Member States.
- The EU should also step up its fight against prejudice and discrimination in respect of sexual orientation in both 'old' and new Member States.
- Further efforts are needed to ensure that the Directives are implemented at national level.
- The main obstacles to the effective implementation of the Directives are the persistence of discriminatory attitudes and behaviour (68%), incomplete legislation (59%) and lack of information and awareness about rights and obligations (48%).
- There is strong demand from NGOs and others to increase protection on all grounds to the level under the Racial Equality Directive, but some national authorities regard this as premature.
- The most effective means for addressing problems not covered by the Directives are thought to be further legislation (34%), awareness-raising (32%) and positive action (23%).
- It was felt that non-discrimination and equality considerations should be 'mainstreamed' across a range of EU policies.
- Some 82% of respondents agreed there should be greater links between efforts to combat discrimination on the different grounds, including sex.
- Some 93% of respondents viewed data collection as important for the development of effective policies for equality and against discrimination, though the need to protect personal privacy was stressed.
- The vast majority of written responses highlighted the added value of EU funding in supporting policy action and anti-discrimination legislation. The preferred priorities for support are 'information and awareness-raising' (60%) and 'analysis and monitoring' (54%).
- It was considered that the role of all the bodies involved in combating discrimination was important, especially those working with victims of discrimination, and that participation of national authorities in particular should be increased.

(1) http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/green_en.htm

Progress in implementing the Racial Equality and the Employment Equality Directives

In the past year, significant progress has been made in a number of European Union Member States in further implementing the Racial Equality Directive (Directive 2000/43/EC) and the Employment Equality Directive (Directive 2000/78/EC). The 10 new Member States had to have fully transposed the Directives by 1 May 2004, the date of their accession to the EU, and, as a result, many new laws were adopted in the months leading up to EU enlargement. At the same time, further steps have been taken towards full transposition of the Directives in many of the other 15 Member States, where the deadline for transposition had already passed (19 July 2003 for the Racial Equality Directive and 2 December 2003 for the Employment Equality Directive).

In a number of cases, the laws in question relate to discrimination on grounds of age and disability, where Member States were allowed to request up to three extra years to comply with the Employment Equality Directive beyond the deadline imposed for other grounds. Denmark opted for one extra year to implement the Employment Equality Directive in relation to disability. The UK's Disability Regulations entered into force in October 2004 and new rules concerning vocational training will be implemented from September 2006. Denmark additionally opted for one further year for age and adopted legislation covering both age and disability discrimination in December 2004. The optional three extra years are being used for age by Belgium, Germany, the Netherlands, Sweden and the UK and for disability by France, Sweden and (in respect of vocational training) the UK. These States have to report to the Commission annually on the progress they are making towards implementation.



EU LEGISLATION AND ACTION

Overview of the Racial Equality and Employment Equality Directives

What is the purpose of the EU anti-discrimination Directives?

The two Directives were adopted in 2000 in order to set minimum common standards in the laws in force in EU Member States against discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation. Their purpose is to create a general legal framework for combating these kinds of discrimination and so to put into effect the principle of equal treatment. They do not prevent Member States from providing greater protection

against discrimination than required by the Directives. However, in transposing the Directives, Member States were not entitled to reduce the level of protection below what it was before.

Who does the European legislation protect?

The two Directives protect everyone on EU territory against discrimination on the grounds of their race or ethnic origin, their religion or belief, their age, their sexual orientation or any disability they have. This includes persons who are not citizens of a Member State, but who are in the EU. Anyone who suffers discrimination because the person discriminating against them thinks or assumes they are of a certain race, religion etc. is also protected, even if this is not the case. This applies equally to anyone who is discriminated against because they associate with a person of a certain race, religion, sexual orientation etc.

What does the legislation protect against?

The Directives protect everyone against the following forms of discrimination:

- *direct discrimination*, where a person is treated less favourably than another is, has been or would be treated in a comparable situation on one of the grounds of discrimination listed;
- *indirect discrimination*, where a provision, criterion or practice that appears to be neutral and non-discriminatory would in fact disadvantage someone of a particular racial or ethnic origin, religion or belief, disability, age or sexual orientation, compared to others, unless it is objectively justified by a legitimate aim and it is an appropriate and necessary means of achieving that aim;
- *harassment*, that is, where unwanted conduct related to any of the listed grounds of discrimination takes place with the *purpose or effect* of violating someone's dignity and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- *instruction to discriminate*, where another person is instructed to discriminate, this also amounts to discrimination.

In addition, employers — and others to whom the Employment Equality Directive applies such as training providers — failing to provide *reasonable accommodation for people with disabilities* also violate the principle of equal treatment. This means that they must take appropriate measures to enable those with a disability to have access to, participate in, or advance in employment, or to undergo training. Employers are not obliged to take any measures that would amount to a disproportionate burden. What exactly amounts to such a burden must be considered for each case individually, taking account of the circumstances of the case. Ultimately this is for the courts to decide. In any case, the burden will not be considered disproportionate where the Member State has taken measures which remedy the burden on employers, such as by allocating funds for this purpose.

Finally, under the Directives, employees who complain about discrimination or launch legal proceedings against it must be protected against dismissal or other adverse treatment by employers reacting to the complaint. This constitutes victimisation which is illegal. Individuals are also protected against victimisation outside the employment sphere under the Racial Equality Directive.

Where and in what circumstances do the Directives prohibit discrimination?

Discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation is outlawed in respect of access to employment, self-employment or an occupation, including selection criteria and recruitment; access to all types of vocational training and guidance, including practical work experience; employment and working conditions, including dismissals and pay; and membership of or involvement in trade unions and other worker organisations, employers' associations and professional bodies.

Discrimination on the ground of racial or ethnic origin is also outlawed in respect of social protection, including social security and healthcare social advantages (such as free prescriptions and

travel concessions), education, and access to and supply of goods and services available to the public, including housing.

How can the right to equal treatment be enforced under the Directives?

Everyone who believes they have been discriminated against must have access to judicial or administrative procedures through which they can enforce their rights. The courts or other responsible body must consider their case (subject to national time limits) and issue appropriate remedies if discrimination is found to have taken place. In some countries, there are special procedures that are especially designed to decide

on discrimination disputes and, in several, conciliation procedures are also available for resolving disputes. Even if a Member State has not properly implemented the Directives, individuals may still be protected by their provisions (see below, 'Protecting and enforcing individual rights').

In bringing their case to a court or other body, victims have a right to be supported by organisations that have a legitimate interest in enforcing the principle of equal treatment, for example trade unions or NGOs concerned with discrimination. Usually victims have to give their consent to such support.

Because instances of discrimination are by their nature difficult to prove, the Directives require that in discrimination cases, the level of proof needed from the alleged victim is less than what would normally be required. Once the claimant has established facts from which it may be presumed the discrimination took place, the 'burden of proof' shifts to the respondent who must bring evidence that disproves the alleged discrimination. This rule applies in civil and administrative courts and procedures but does not apply in criminal procedures, where the traditionally higher standards of proof still apply, or investigative procedures.

Breaches of anti-discrimination laws must be met with effective, proportionate and dissuasive sanctions, which may include compensation being paid to the victim. According to the European Court of Justice, in the case-law on sex discrimination, Member States must provide remedies which ensure 'real and effective' protection for individuals' European Community rights and which have a real and deterrent effect on employers. Moreover, Member States may not put an upper limit on the amount of compensation to be paid to victims of discrimination (see cases *Von Colson*, 14/83 and *Marshall II*, C-271/91 at www.curia.eu.int).

Are there any exceptions to the principle of equal treatment?

The Directives do allow some exceptions to the principle of non-discrimination. Firstly, they allow **positive action**, under which some groups are treated more favourably than others, in order to prevent or compensate for disadvantages linked to one of the specified grounds of discrimination.

Secondly, they allow differences in treatment where the nature of the employment activity may genuinely require the person carrying them out to be of a certain ethnic origin, religion or age etc. Whether or not a requirement is really a **genuine and determining occupational requirement** will be judged strictly. In addition, where national law or practices pre-dating the Directive so allow, organisations with an ethos based on religion or belief, such as churches, can require that certain occupational activities are undertaken by a person who shares that religion or belief. Insofar as the nature of the activities, or the context in which such activities are carried out, makes the person's religion or belief a genuine, legitimate and justified occupational requirement, this does not constitute discrimination.





There are particular **exceptions to the prohibition on age discrimination**. Member States may choose to provide in their laws that, in certain circumstances, differences in treatment on grounds of age do not in fact constitute age discrimination if they are objectively and reasonably justified by a legitimate aim — such as in relation to employment policies, and labour market or vocational training objectives — and the means of achieving that aim are appropriate and necessary. The Employment Equality Directive gives examples of what might, in certain circumstances, amount to legitimate differences in treatment. These include special conditions for access to employment and vocational training as well as conditions of employment and occupation, including dismissal or pay, for young people, older workers or carers. Such conditions may be allowed if their purpose is to pro-

promote the vocational integration of such people or ensure their protection. Minimum conditions of age, professional experience or seniority in service may also be set for access to employment or receiving certain advantages linked to employment. A maximum age may be set for recruitment where this is based on training requirements for the job or the need for a reasonable period of employment before retirement.

If Member States choose to allow such exceptions, this must be set out in their national legislation, ensuring that the exceptions have a legitimate aim and are appropriate and necessary. The latter means that, at the very least, it must not be possible to achieve the aim through alternative, non-discriminatory means.

The Directive also allows Member States to permit an age condition to be set for admission or entitlement to retirement or invalidity benefits under an occupational social security scheme. Within such a scheme, different ages can be set for different categories of employee and age criteria may be used in actuarial calculations so long as it does not result in sex discrimination.

Equally, the two Directives do not apply to the conditions for third-country nationals and stateless persons to enter and reside in a Member State or to treatment that arises from their legal status. Note however that, under the EU's Long-Term Residents Directive (Directive 2003/109/EC), equal treatment with EU nationals is guaranteed to third-country nationals who are long-term residents in the EU. EU citizens are protected against discrimination on the grounds of nationality in the EU under Article 12 of the EC Treaty.

In addition, the Employment Equality Directive (concerning discrimination based on religion or belief, disability, age and sexual orientation) does not apply to:

- measures laid down by national law which, in a democratic society, are necessary for public security, maintaining public order and preventing criminal offences, protecting health and the rights and freedoms of others;
- payments made by state schemes or similar, including social security or social protection schemes.

Finally, Member States may exempt the armed forces from the provisions of the Employment Equality Directive in respect of age and disability.

What else do the Directives oblige Member States to do?

Member States must set up a **body (or bodies) to promote equal treatment in respect of racial or ethnic origin**. They must ensure that these bodies, at a minimum, are able to provide independent assistance to victims of discrimination in pursuing their complaints about discrimination, conduct independent surveys, and publish independent reports and recommendations on any issue relating to discrimination.

Member States have a responsibility to **disseminate information** on equality laws in their country, covering both new laws transposing the Directives and old laws already in force. They must also **promote discussion between employers and employee organisations** on equal treatment and encourage **dialogue with NGOs** with an interest in combating discrimination.

Members States have an obligation to **abolish any discrimination laws or regulations** and to ensure that any discriminatory provisions in contracts or collective agreements or internal rules of organisations are made ineffective.

Member States **must report to the European Commission** on the application of the Racial Equality Directive by 19 July 2005 and on the application of the Employment Equality Directive by 2 December 2005, and **every five years** after that. The Commission will then use this information to prepare reports on the application of the Directives for the European Parliament and the Council of the European Union.

What can the European Commission do if a Member State fails properly to implement the Directives?

Under the European Community Treaty, the European Commission can launch enforcement proceedings against Member States for failing to meet the requirements of the Directives (Article 226). Such proceedings can be launched for not communicating transposition and for not conforming with the provisions of the Directives where the transposition is incomplete or incorrect. Proceedings begin with a formal letter from the Commission to the Member State outlining why it believes the State has failed to meet its obligations. The State has two months to reply. If the matter has not then been resolved, the Commission delivers a 'reasoned opinion', to which the Member State has a further two months to reply. If it fails to reply or to reply satisfactorily, the Commission can refer the Member State to the European Court of Justice.

If the Court finds that the Member State has failed to fulfil its obligations, the State must take the necessary measures to comply with the Court's judgment. After that, if the Commission considers the Member State has not taken satisfactory measures, it gives the State the opportunity to submit its observations, then issues a reasoned opinion detailing the points with which the State has not complied (Article 228 of the EC Treaty) and gives the Member State a limited amount of time to comply with these. If it still fails to comply, the Commission can bring the Member State back to the Court of Justice and specify the amount it thinks it should pay. If the Court finds the Member State has not complied with its judgment, it can impose a lump sum or penalty payment on it.

Action taken by the Commission against 5 Member States

In July 2004, the Commission referred five Member States (Austria, Finland, Germany, Greece and Luxembourg) to the European Court of Justice for not communicating transposition of the Racial Equality Directive. No resolution had been reached in the previous stages of infringement proceedings. In December 2004, the Commission referred the same Member States to the Court for not communicating transposition of the Employment Equality Directive. Again, earlier communication between the Commission and these Member States failed to resolve the matter (whereas it did so in respect of Belgium, Denmark, Ireland, the Netherlands, Portugal and the UK, against which infringement proceedings were also originally launched).



In Greece and Germany, draft legislation was only submitted to Parliament in late 2004. Legislation has meanwhile been adopted in Greece and the cases concerning this Member State have been discontinued. In Luxembourg, the two bills submitted to Parliament at the end of 2003 have still not been adopted. In Austria, not all provinces have transposed the Directives, and in Finland the Directives have yet to be implemented in the Åland Islands. The infringement proceedings takes into account the fact that Germany notified the Commission of its intention to use the optional extra three years for transposing the Employment Equality Directive in respect of age discrimination. None of the other four Member States formally extended their deadlines in this way.

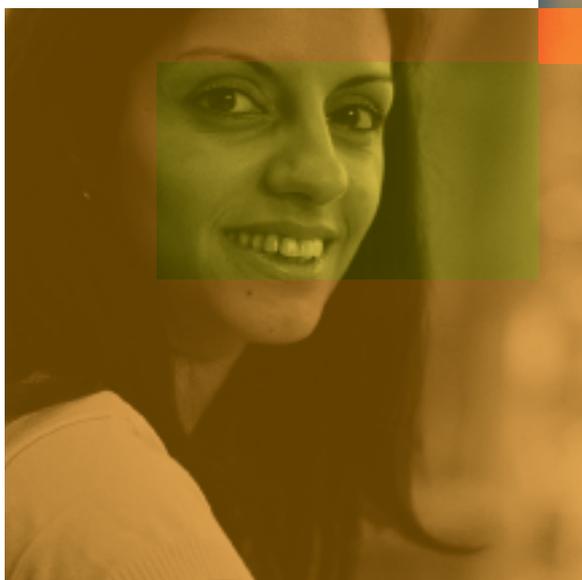
On 24 February 2005, Finland and Luxembourg were condemned by the European Court of Justice for failing to adopt legislation to transpose the Race Equality Directive (cases C-327/04 and C-320/04).

By the end of 2004, of the 10 new Member States, all but the Czech Republic had officially notified the Commission that they had transposed the two Directives. Their communications are currently being examined by the Commission, which is aware of significant gaps in transposition in some countries. A letter of formal notice has been sent to the Czech Republic with regard to non-communication of the two Directives. The reason the proceedings relating to the new Member States were launched later than for the 'old' Member States is because of the later transposition deadline (1 May 2004). Furthermore, the Commission only brings infringement proceedings in 'packages' rather than against single Member States, that is, it waits until it has all the necessary information to launch proceedings against several Member States at the same time.

Intensive preparatory work has begun for the formal stages of infringement procedures for non-conformity with the Directives. This entails detailed examination of the national laws intended to implement the Directives with a view to identifying any gaps or loopholes in transposition. The formal stages of an infringement 'package' for not complying with the Racial Equality Directive are likely to be launched in 2005 against several of the 'old' Member States. This will probably be followed by infringement packages for the Employment Equality Directive against some of the 'old' Member States and for both the Directives against some of the new Member States.

In studying national legislation, the Commission is keeping in mind the nature of EC Directives, which give Member States freedom to choose the most appropriate form of implementation of the provisions.

Nevertheless, the Commission needs to be sure that the legislation achieves the results intended by the Directives. The Commission is assisted in its work of checking conformity by the European Network of Independent Legal Experts in the Non-Discrimination Field who report on developments in individual Member States.





The EU Racial Equality Directive, which has been implemented in Hungary in the form of the Law on Equal Treatment and Promoting Equal Opportunities is a groundbreaking means of legally protecting minorities from discrimination). We have taken account of all the legal requirements specified in the Directive, which are essential for those who might face discrimination of whatever form in the future. We have also established the Equal Treatment Authority this year to investigate cases of discrimination and to initiate legal proceedings against those responsible.

We are particularly keen to see how this will be used to strengthen the legal protection of Roma, given that most of the cases referred to the Equal Treatment Authority dealt with racial discrimination against Roma in employment and education. I really hope that civil society organisations will engage in proceedings on behalf of victims of discrimination in order to maximise the impact of the new legislation.

We are aware, though, that the situation of Roma cannot be solved by legal action alone; it has to be coupled with other measures. The Hungarian Government is playing a coordinating role in the "Roma Decade", an initiative of the World Bank and Open Society Institute launched in February 2005 by Hungary and 7 other European countries. Through this initiative, we will hopefully be able to maximise resources of all kinds in order to improve the economic and social position of Roma throughout Europe.

KINGA GÖNCZ, MINISTER OF YOUTH, FAMILY, SOCIAL AFFAIRS, AND EQUAL OPPORTUNITIES, HUNGARY

CHANGES IN NATIONAL LEGISLATION

Despite the deadlines for transposition having passed, laws are still being amended and adopted in a number of EU Member States to implement the two anti-discrimination Directives. In **Slovakia**, the Anti-Discrimination Act was adopted in May 2004. In **Ireland**, the Equality Act 2004 became law in July 2004, amending the Employment Equality Act 1998 and the Equal Status Act 2000. In **Malta**, legislation was adopted in November 2004, aimed at filling the employment-related gaps in transposition left after the adoption of the 2002 Employment and Industrial Relations Act. In December 2004, a new law was adopted in **Denmark** to transpose the age and disability provisions of the Employment Equality Directive, legislation was adopted in France to create the High Authority against Discrimination and for Equality, intended to complete transposition of the Racial Equality Directive, and a government decree was implemented in **Hungary** on the Equal Treatment Authority. In **Belgium**, the Walloon region and French-speaking and German-speaking Communities adopted new legislation in May 2004. In **Austria**, legislation was adopted in 2004 in the provinces of Styria, Vienna, Lower Austria and Carinthia and draft laws were introduced in the provinces of Vorarlberg and Upper Austria. In **Greece**, a law covering all the grounds of discrimination specified in the two Directives was published in January 2005, and, in **Sweden**, legislation against discrimination on grounds of sexual orientation in respect of social security entered into force in the same month. In **Poland**, the Law on National and Ethnic Minorities and Regional Language, will enter into force in May 2005.



SUMMARY TABLE: STATE OF IMPLEMENTATION OF THE DIRECTIVES (AS AT 1ST APRIL 2005)

NB: this table summarises the legislation passed in relation to the Directives. It does not pretend to assess whether national law is fully in line with the Directives or whether these have been fully complied with in the respective Member States. As national law is still changing quite rapidly in this area, it may not be long before new legislation can be added to that described here.

Belgium	<p><i>Federal level:</i> Law of 25 February 2003 on combating discrimination and amending the Act of 15 February 1993 setting up the Centre for Equal Opportunities and Opposition to Racism; Law of 20 January 2003 on concerning the reinforcement of anti-racism legislation amending the Law of 30 July 1981 criminalising certain acts inspired by racism or xenophobia.</p> <p><i>Regional level:</i> Flemish Region/Community Decree of 8 May 2002 on proportionate participation in the employment market; French-speaking Community Decree of 19 May 2004 on the implementation of the principle of equal treatment; Walloon Region Decree of 27 May 2004 on the equal treatment in employment and vocational professional training; German-speaking Community Decree of 17 May 2004 on the guarantee of equal treatment in the labour market; Ordinance of 26 June 2003 on the mixed management of the labour employment market in the Brussels-Capital region.</p> <p><i>Covers all grounds in two Directives and additional grounds including sex.</i></p>
Czech Republic	<p>Law No 65/1964 Coll. Labour Code, last amended in 2004; Law No 361/2003 Coll. on the service relations of members of the security forces; Law No 221/1999 Coll. on the service relations of members of the armed forces, as amended in 2002; Law No 218/2002 Coll. on official service in State administration and on remuneration of officials and other employees; School Law No 561/2004 Coll.</p> <p><i>Covers all grounds in two Directives and additional grounds including sex.</i></p>
Denmark	<p>Act No 960 (2004) on Section 266(b) of the Penal Code; Act No 626 (1987) prohibiting racial discrimination etc.; Act No 459 (1996) amended by Act No 253 (2004) and Act No 1416 (2004) prohibiting discrimination in respect of employment and occupation etc.; Act No 374 (2003) prohibiting unequal treatment due to race and ethnicity; Act No 1417 of 22 December (2004) on the prohibition of direct and indirect discrimination on the grounds of age and disability; Act No 411 (2002) on the Institute for International Studies and Human Rights.</p> <p><i>Covers all grounds in two Directives and additional grounds.</i></p>
Germany	<p>Industrial Relations Law, amended 2001; Federal Personnel Representation Law, amended 2001; Law on the Equal Treatment of Disabled Persons.</p> <p><i>Covers all grounds in two Directives and additional grounds including sex.</i></p>
Estonia	<p>Law on Amendments to the Law on Legal Chancellor and Related Laws; Law of the Republic of Estonia on Employment Contract, amended 22 April 2004; Penal Code.</p> <p><i>Covers all grounds in two Directives and additional grounds including sex.</i></p>
Greece	<p>Law on the Application of the Principle of Equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age, or sexual orientation (published on 27 January 2005).</p> <p><i>Covers all grounds in two Directives.</i></p>
Spain	<p>Law 62/2003 of 30 December 2003 on fiscal, administrative and social measures; Legal Decree 5/2000 of 4 August 2000; Law on Infractions and Sanctions on the Social Order, amended January 2004; Law 51/2003 of 2 December 2003 on Equal Opportunities, Non-Discrimination, and Universal Access for Persons with Disability.</p> <p><i>Covers all grounds in two directives.</i></p> <p>Decree 1865/2004 creating the National Disability Council.</p>
France	<p>Law of the Press 1881 (last amended February 2005); Law Combating Discrimination, No 2001-1066; Law of Social Modernisation, No 2002-73; Law creating the specialised body (HALDE) of 21 December 2004; Law on Social Cohesion of 20 December 2004.</p> <p><i>Covers all grounds in two Directives and additional grounds including sex.</i></p>
Ireland	<p>Equality Act 2004, amending Employment Equality Act 1998 and the Equal Status Act 2000; Pensions Act 1990–2004; Intoxicating Liquor Act 2003.</p> <p><i>Covers all grounds in two Directives and additional grounds including sex.</i></p>
Italy	<p>Legislative Decree No 215 of 9 July 2003 transposing directive 2000/43, subsequently amended by Legislative Decree No 256 of 2 August 2004; Decree of 11 December 2003 on internal structures and competences of specialised body.</p> <p><i>Covers racial and ethnic origin.</i></p> <p>Legislative Decree No 216 of 9 July 2003 transposing directive 2000/78, amended by Legislative Decree No 256 of 2 August 2004.</p> <p><i>Covers all grounds in Employment Equality Directive.</i></p>
Cyprus	<p>Equal Treatment (Racial or Ethnic Origin) Law No 59 (I)/2004; Law on Persons with Disabilities (Amendment) No 57(I)/2004; Equal Treatment in Employment and Occupation Law No 58 (I)/2004.</p> <p><i>Covers racial or ethnic origin, religion or belief, age, sexual orientation.</i></p> <p>Commissioner for Administration (Amendment) Law No 36 (I)/2004; Combating of Racism and Other Discrimination (Commissioner) Law No 42 (1)/2004.</p> <p><i>Covers all grounds in two Directives and additional grounds.</i></p>

Latvia	Labour Law, adopted 2001, amended 7 May 2004. <i>Covers inexhaustive list of grounds and no express reference to sexual orientation.</i>
Lithuania	Law on Equal Opportunities, in force from 1 January 2005; Criminal Code as amended on 1 May 2003. <i>Covers all grounds in two Directives.</i>
Luxembourg	No legislation adopted or amended since Directives adopted.
Hungary	Act CXXV of 2003 on Equal Treatment and the Promotion of the Equality of Opportunities; Government Decree 362/2004 on the Equal Treatment Authority and the Detailed Rules of its Procedure. <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Malta	Employment and Industrial Relations Act 2002 and Legal Notice 461 of 2004 (Equal Treatment in Employment Regulations); Equal Opportunities (Persons with Disabilities) Act 2000. <i>Covers all grounds in two Directives.</i>
Netherlands	General Equal Treatment Act of 1994, amended by EC Implementation Act 2004; Age Discrimination Act of 17 December 2003; Act on Equal Treatment on the grounds of disability or chronic disease of 3 April 2003. <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Austria	<i>Federal level:</i> Federal Equal Treatment Act (adopted 1993, amended 2004), Equal Treatment Act, Law on the Equal Treatment Commission and the Office for Equal Treatment (all in force from 1 July 2004). <i>Provincial level:</i> Styrian Equal Treatment Act, Viennese Service Order, Viennese Anti-discrimination Act, Lower Austrian Equal Treatment Act, Carinthian Anti-discrimination Act. <i>Covers all grounds in two Directives and sex. So far disability only in provincial legislation.</i>
Poland	Labour Code (last amended 14 November 2003); Act of 20 April 2004 on the Promotion of Employment and the Institutions of Labour Market; Council of Ministers Ordinance of 25 June 2002 on Government's Plenipotentiary for Equal Status of Men and Women; Law on National and Ethnic Minorities and on Regional Language (adopted on 6 January 2005, in force from 1 May 2005). <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Portugal	Law 18/2004 on racial ethnic origin discrimination; Decree Law 251/2002; Law 38/2004 on measures for the rehabilitation and participation of persons with disabilities; Law 16/2001 on religious freedom; Labour Code Law 99/2003; Law 35/2004 regulating the Labour Code. <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Slovenia	Implementation of the Principle of Equal Treatment Act 2004; Vocational Rehabilitation and Employment of Disabled Persons Act 2004; Employment Relations Act 2003. <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Slovak Republic	Act No 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (Anti-Discrimination Act); Act No 308/1993 Coll. on establishing the Slovak National Centre for Human Rights, last amended in 2004 Coll.; Labour Code No 311/2001 Coll. last amended by Act No 365/2004. <i>Covers all grounds in two Directives.</i>
Finland	Non-Discrimination Act 21/2004; Penal Code, as amended by Law 302/2004; Employment Contracts Act, as amended by Law 23/2004. <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Sweden	Prohibition of Ethnic Discrimination Act (1999:130), last amended by Act 2003:308; Prohibition of Discrimination in Working Life of People with Disability Act (1999:132), amended by Act 2003:309; Act on a Ban against Discrimination in Working Life on grounds of Sexual Orientation (1999:133), amended by Act 2003:310; Equal Treatment of Students at Universities Act (2001:1286), amended by Act 2003:311; Prohibition of Discrimination Act (2003:307), amended by Act 2004:1089. Legislation against discrimination on grounds of sexual orientation in respect of social security entered into force in January 2005. <i>Covers all grounds in two Directives except age.</i>
UK	<i>Great Britain:</i> Race Relations Act 1976, last amended by the Race Relations Regulations in 2003. <i>Northern Ireland:</i> Race Relations (NI) Order 1997, last amended by Race Relations Order Regulations 2003. <i>Covers race and national origin.</i> <i>Great Britain:</i> Disability Discrimination Act 1995, last amended by Disability Discrimination Regulations 2003; Disability Discrimination Act 1995 (Pensions) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003; Employment Equality (Sexual Orientation) (Amendment) Regulations 2003. <i>Northern Ireland:</i> Fair Employment and Treatment (NI) Order 1998, last amended by Fair Employment Regulations in 2003; Employment Equality (Sexual Orientation) Regulations (NI) 2003; Disability Discrimination Act 1995 (Amendment) Regulations (NI) 2004. <i>Covers religion or belief, disability, sexual orientation and in NI political opinion.</i>

SUMMARY TABLE: STATE OF IMPLEMENTATION OF THE DIRECTIVES (AS AT 1ST APRIL 2005)

Bulgaria	Protection against Discrimination Act 2003, in force from January 2004 <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Romania	Ordinance adopted in August 2000 covering preventing and punishing all forms of discrimination, Law No 48 of 16 January 2002 approving the Ordinance with a few amendments. <i>Covers all grounds in two Directives and additional grounds including sex.</i>
Norway	Legislation 'implementing' the rules of the Employment Directive (2000/78) came into force on 1 May 2004.

Legislation is going through Parliament in the **Czech Republic** (Anti-Discrimination Bill transposing the two Directives), **France** (reforming the 1975 Law on Disability), **Germany** (in respect of the two Directives and the gender Directive — Directive 2002/73/EC), **Luxembourg** (Bills 5248 transposing the Racial Equality Directive and Bill 5249 transposing the Employment Equality Directive) and **Austria** (draft law for a new version of the Equal Status Act for People with Disabilities). In **Latvia**, a comprehensive Anti-Discrimination Bill had its first reading in Parliament in April 2004 but seems to have been abandoned by the new government, which appears to want to transpose the Directives through amendments to several existing laws. In **Spain**, a Bill on clauses in collective agreements concerning the termination of contracts when workers reach retirement age was adopted by the government in December 2004 and is now before Parliament. In **Cyprus**, a Bill abolishing the legal maximum age limit of 60 years to be a member of the Commission for Public Education (which deals with appointments and other labour matters as regards public sector teachers) is also now before parliament.

In the **UK**, a Disability Discrimination Bill is progressing through Parliament. In addition, in March 2005, the government published a new Equality Bill which, on the one hand, proposes the establishment of a Commission for Equality and Human Rights and, on the other, plans to extend the protection against discrimination on grounds of religion and belief to the provision of goods, facilities and services to the public, the provision and management of premises and the carrying out of public functions. In Northern Ireland, public consultation has taken place on options for a new Single Equality Bill, which aims to harmonise existing anti-discrimination legislation so far as practicable and to update and extend present provisions where appropriate. In addition, it will consult on draft disability education regulations in Autumn 2005 with a view to these taking effect from September 2006.

Meanwhile, in **Norway**, there is a proposal for an Act Prohibiting Discrimination on the Grounds of Ethnicity, Religion etc. and another proposal for an Act concerning the Equality and Discrimination Ombudsman (on the five grounds of the Directives) and the Equality and Discrimination Board of Appeal.

In **Estonia**, legislation still needs to be introduced to transpose the non-employment aspects of the Racial Equality Directive and in **Spain**, a Royal Decree is due to be enacted on the make-up and functions of the Council for promotion of equal treatment of all persons without discrimination on grounds of racial or ethnic origin so that the specialised body can start functioning.

PROTECTING AND ENFORCING INDIVIDUAL RIGHTS

Individual rights protected by the Racial Equality and Employment Equality Directives must be properly enforced through action at the national level. In most EU Member States, civil and labour courts, and sometimes criminal courts, hear and rule on such cases. There are alternatives in some countries, including administrative proceedings before equality bodies. Conciliation as a way of resolving discrimination disputes is also widely available.

In general, victims can seek redress by invoking national anti-discrimination laws before national courts. But the Directives also protect individuals in cases where they have not been properly or fully implemented into national legislation (see box).

Rights of individuals in cases where the Directives have not been fully transposed

Where the alleged discriminator is the State or a public body, provisions of the anti-discrimination Directives which are clear, precise and unconditional can be directly invoked before national courts. Such provisions are defined as having 'vertical direct effect'. This means that, if a Member State has failed to transpose the Directives on time, or has transposed them incorrectly, individuals who allege they have been discriminated against by a public body can nevertheless invoke the provisions of the Directives.

Where the alleged discriminator is another individual or private entity, national courts must give Directives 'indirect effect' and do everything possible to interpret national law to comply with European Community law. This means they must, so far as possible, interpret national law in the light of the wording and purpose of the Directive in order to achieve the result intended by the Directive. It is irrelevant whether the national legislation was adopted before or after the Directive (Case C-106/89 *Marleasing* [1990] ECR 4135).

A third principle of Community law helps to ensure that Member States properly implement the Equality Directives, namely the principle of 'State liability' (Cases C-6 & 9/90 *Francovich*, joined cases C46/93 *Brasserie du Pêcheur* and C-48/93 *Factortame*). Where, by the transposition deadline, there is no national law implementing a directive, or national law is contrary to EC law, the Member State must compensate for loss resulting from this failure to implement the Directive. For the State to be liable, certain conditions must be satisfied: firstly, the aim of the Community provision which has been breached must be to grant rights to the individual; secondly, the breach must be sufficiently serious; thirdly, there must be a causal link between the State's failure and the damage suffered by the persons affected. National courts can be asked to decide whether the Member State has wrongly implemented the Equality Directives, and if the court finds it has and these conditions are met, the complainant may be entitled to monetary compensation.

National courts can also refer questions about the interpretation of particular requirements of the Directives to the European Court of Justice which will then consider and pass judgement on them.



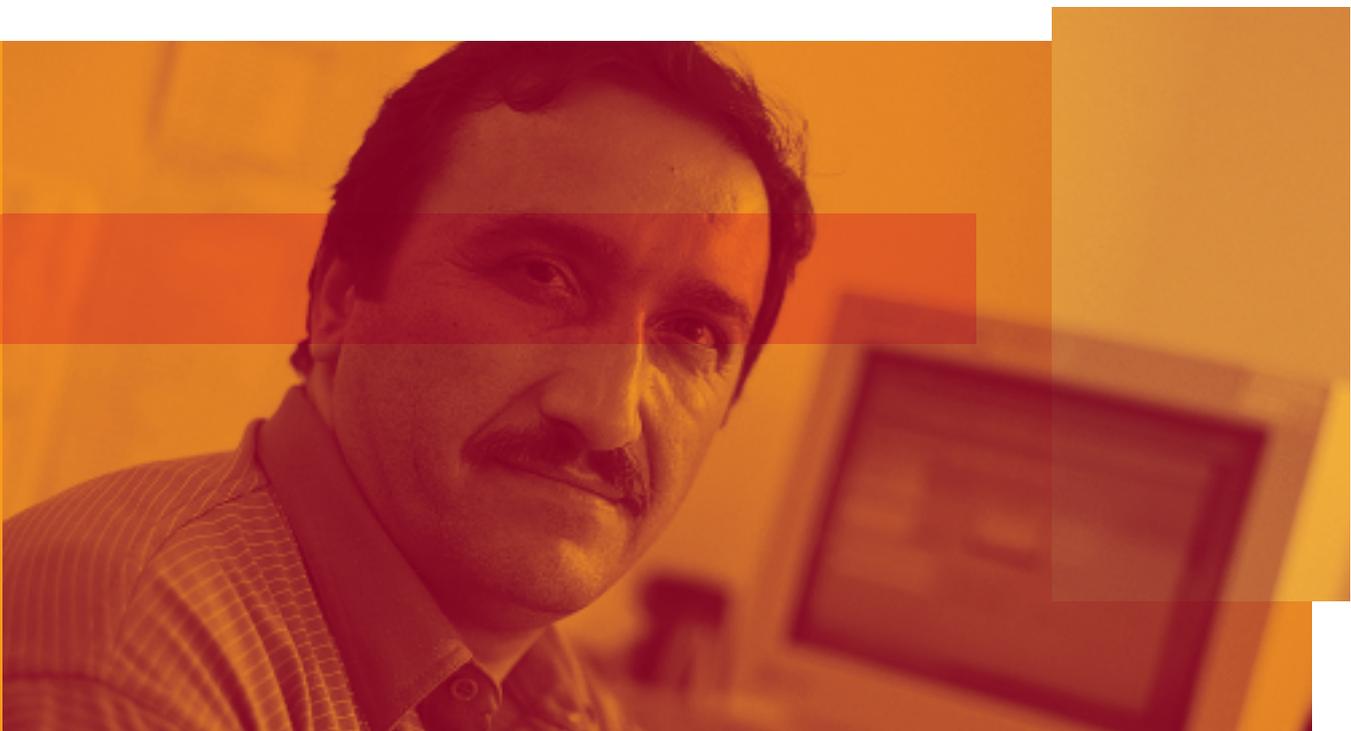
The role of the European Court of Justice

Where a national court is unsure whether the implementation of the Equality Directives is correct or is not certain how a particular term in the Directives should be interpreted, it can, and should, ask the European Court of Justice (ECJ) for a preliminary ruling on the interpretation of the Directives, in order to enable it to give its judgment in the case before it (Article 234 of the EC Treaty). Last instance courts (those whose judgments cannot be appealed) are obliged to refer such questions to the ECJ. In response, the ECJ will look at the relevant provision of the Directives and give its interpretation taking account of the circumstances of the national case. It will also consider any observations submitted by Member State governments or the Commission. Such ECJ judgments are extremely important for the proper and uniform application of the provisions of the Directives. Preliminary rulings have been vital in the interpretation of EU sex equality legislation, for example. NGOs, trade unions and other interested organisations in Member States can seek clarification of the provisions of the Directives and test the law in their country by strategically bringing cases which force national courts to make preliminary references to the ECJ.

Two German courts have referred questions to the ECJ on the compliance with the Employment Equality Directive of a provision in national law under which fixed-term contracts may be made with workers aged 52 or over (Case C-144/04 *Mangold*, OJ C 146/1, 29.5.2004; and Case C-261/04 *Schmidt*, OJ C 228/41, 11.9.2004, though the latter has since been withdrawn — for the *Official Journal of the European Union* (OJ) go to <http://europa.eu.int/eur-lex/>).

A Hungarian court has also asked the ECJ whether a provision of the Hungarian Criminal Code, which makes the public use or display of a five-pointed red star a minor offence, is compatible with the Community law principle of non-discrimination (Case C-328/04 *Vajnai Attila*, OJ C 262/15, 23.10.2004). The question is whether the Racial Equality Directive allows people to express their political convictions through a symbol. A Spanish court also made a preliminary reference to the ECJ which involves an interpretation of the notion of disability for the purposes of the protection afforded by Directive 2000/78/EC (Case C-13/05 *Chacón Navas*, OJ C 69/8, 19.3.2005).

References of this kind can be lengthy, especially where the question comes from a last instance court. Questions from national courts in relation to the Equality Directives and eventually judgements from the European Court of Justice can be expected to rise steadily over the coming years. In the meantime, national judgements relating to the Equality Directives have begun to emerge in Member States (see boxes for some examples).



Court cases concerning discrimination

Belgium and France: Landlords convicted of racial discrimination

In December 2004, Antwerp criminal court in Belgium convicted a house-owner of discrimination because he had refused to rent his house to a Belgian couple of Congolese origin. The owner had instructed the rental agency to 'preferably not rent to foreigners'. The Centre for Equal Opportunities and Opposition to Racism, the specialised body in Belgium, participated in the case alongside the public prosecutor. On average, 7% of the complaints of racism received by the Centre each year relate to housing. The house-owner was ordered to pay EUR 250 in damages to the Centre.

In September 2004, the Criminal Court of Grenoble, France, convicted a landowner for refusing to sell a piece of land to an 'Arab', arguing that she was afraid of causing problems with the neighbours. The Court fined her EUR 10 000, sentenced her to a suspended four-month prison sentence and ordered her to pay EUR 1 500 damages to the buyer and EUR 500 to his wife. The Court also ordered the conviction to be published in the professional bulletin of the federation of real-estate brokers and awarded damages to the two NGOs supporting the victim, MRAP and SOS Racism.

Finland: Annulment of Church decision forbidding those living in same-sex registered partnerships becoming chaplains

Vaasa Administrative Court recently annulled a decision of the Evangelical Lutheran Church that an applicant was not eligible to be appointed as chaplain, because she publicly lives in a same-sex relationship and had announced she would officially register the relationship. This was found to contravene the Non-Discrimination Act prohibiting discrimination, *inter alia*, on the grounds of sexual orientation or 'other reasons related to a person', and being in a same-sex relationship was found to be another such reason. In the Finnish law for churches, for example, the Church Order or the Church Act, there is no exception implementing the 'religious ethos' exception of Article 4(2) of the Employment Equality Directive.

Ireland: Labour Court relies on Racial Equality Directive to find unfair dismissal on the grounds of race

Before transposition, the Irish law on the burden of proof was not in line with the Directives. When the Labour Court heard the case of *Citibank v. Massinde Ntoko* on 8 March 2004 (EED045), the Racial Equality Directive and the Employment Equality Directive had not yet been transposed into Irish law. However, the Court relied directly on the Racial Equality Directive's provision on the burden of proof to find Citibank had discriminated against a Congolese worker on the basis of his race when he was dismissed for making a personal telephone call at work. The Court referred to the case-law of the European Court of Justice, according to which a non-implemented Directive can be relied upon to inform the interpretation of national law in cases involving individuals: national courts are required to interpret national provisions as far as possible in the light of the wording and the purpose of Directives in order to achieve the result pursued by that Directive. The respondent was ordered to pay the complainant compensation of EUR 15 000 (EUR 2 000 for loss of earnings and EUR 13 000 for non-pecuniary damage to compensate for the humiliation suffered and the deprivation of the fundamental right to equal treatment and freedom from racial prejudice).

Hungary: Rights of NGOs to stand as plaintiffs in public interest discrimination cases

A gay and lesbian NGO brought a case against Gáspár Károli University of the Reformed Church, alleging that the university had discriminated against gay theology students. After dismissing a theology student who had confessed his homosexuality to one of his professors, the Theology Faculty Council published a general declaration on 10 October 2003, claiming that 'the church may not approve of [...] the education, recruitment and employment of pastors and teachers of religion who conduct or promote a homosexual way of life'. The first and second instance courts held that the university had exercised its freedom of expression within constitutional limits and had not discriminated against homosexuals. The NGO plans to request review by the Supreme Court.

This case had important implications for NGOs bringing sexual orientation cases in the public interest (*actio popularis*): the court established that homosexuality is an inherent feature of one's personality, which is a precondition of an *actio popularis* claim under the Hungarian Equal Treatment Act. Furthermore, NGOs do not have to wait for the discrimination to have actually taken place — it is enough that a violation of rights might take place in the future due to the discriminatory law, practice etc. they are challenging.

Slovenia: Constitutional judgment on Ordinance which restricts the building of mosques

In July 2004, the Slovenian Constitutional Court ruled that a referendum question on whether an ordinance of the Ljubljana urban municipality should be enforced amounted to an infringement of the constitutional right to freely exercise one's religion. The ordinance in question laid down conditions for constructing objects intended to be used for religious and cultural activities of the Islamic religious community. The court declared that the purpose of deciding on land-use conditions in a referendum was actually to make the building of a mosque impossible, and therefore having a referendum on the ordinance would mean deciding whether the members of the Islamic religious community can freely exercise their religion in the mosque or not, which was unconstitutional.

Sweden: Positive action based on ethnicity in university entrance

Uppsala University introduced 'alternative selection criteria' of law students, whereby 10% of places on the law programme were reserved to applicants whose parents were both 'foreign-born'. This was in line with legislation from January 2003 which aimed to enhance pluralism in higher education. The practice was challenged by two women applicants with high academic credits who would have got in to the programme, were it not for the alternative selection criteria. They claimed the selection criteria were discriminatory under the 2001 Students at Universities Act, which does not expressly provide for preferential treatment. Uppsala District Court found, in January 2005, that the university's practice was contrary to the prohibition of direct discrimination, relying on the European Court of Justice's case-law related to gender positive action, that is, positive action is not permitted where there is a clear difference in the merits of the applicants. The two women were each awarded damages of SEK 75 000 (around EUR 7 500). The case is likely to be appealed.

Netherlands: Failure to meet reasonable accommodation requirement in vocational training

An anti-discrimination bureau brought a case against an association that organises exams for the hotel and restaurant sector, alleging that the association had breached the Act on Equal Treatment on the grounds of disability or chronic disease by failing to provide reasonable accommodation in vocational training. The association had offered 'accommodated' examinations to candidates who have a reading disability. However, EUR 90 extra was charged for such an 'accommodated' exam. The Equal Treatment Commission agreed that this did not comply with the obligation under the Act to provide reasonable accommodation to persons with disabilities. The accommodation required in this case did not amount to a disproportionate burden upon the association and therefore it was found to have unlawfully discriminated, (Case 2004/140 of 26 October 2004).

Spain: Clauses in collective agreements forcing retirement at 65 annulled by Supreme Court

In two judgements of 9 March 2004, the Supreme Court annulled clauses of collective agreements which forced workers to retire at 65, because there was no national provision permitting such compulsory retirement. The Court relied on the Employment Equality Directive to conclude that it is discriminatory on the grounds of age to force workers to retire at 65 if there is no provision justifying differences in treatment based on age 'by legitimate employment policy, labour market and vocational training objectives'.

In December 2004, the Spanish government adopted a bill in order to allow the reintroduction of such clauses in collective agreements, by linking them to 'legitimate employment policy, labour market and vocational training objectives'. This means that, once the bill is adopted by the parliament, such clauses may not amount to age discrimination, to the extent, however, that they may be considered as objective and reasonably justified.

UK: First finding of sexual orientation discrimination under Regulations transposing Employment Equality Directive

In January 2005, the 2003 Employment Equality (Sexual Orientation) Regulations were found to have been breached for the first time. Stratford Employment Tribunal in London found that the complainant, a business manager, had been subject to sustained abuse over a period of time from senior members of staff at his company, Cleanaway, and forced to quit his GBP 54 000 (around EUR 78 400) a year post. He was awarded GBP 35 345 (around EUR 51 300) in compensation for constructive unfair dismissal, harassment and discrimination. The tribunal found that his employer had failed to accept or deal with the problem, despite previous complaints by another gay member of staff. Cleanaway's human resources department had failed to ensure that senior managers understood that references to sexual orientation were not acceptable.

Remedies and sanctions redressing infringements of individual rights

Under the Directives, national courts must ensure violations of the principle of equal treatment are satisfactorily remedied. Sanctions against discriminators must be effective (i.e. achieve the desired outcome), proportionate (i.e. adequately reflect the gravity and nature of the loss and/or harm suffered) and dissuasive (i.e. deter future acts of discrimination). It is still early to accurately assess whether or not the various sanctions available in the respective EU Member States meet this requirement. This will become clearer as more cases are decided by the national courts.

Some Member States have traditionally imposed criminal sanctions for certain forms of discrimination, especially fines and imprisonment. The EC Directives have, however, generally been implemented through civil, labour and administrative law so sanctions such as compensation, are likely to be more common in the future. Financial compensation may include compensation for past and future loss and for injury to feelings, damages for personal injury such as psychiatric harm, or exemplary damages to punish the discriminator. The victim is accordingly directly compensated, in contrast to criminal law fines which are paid instead to the State. Other remedies include interim relief to stop the discrimination and obliging the discriminator to take action to prevent or reduce the effects of discrimination on the victim, such as an order to reinstate him or her in their job or to adopt a particular code of practice. Sometimes there are specific sanctions on companies or organisations which differ from those imposed on individuals.

A great many countries have sanctions that are especially designed to redress discrimination, in place of or in addition to more general civil, criminal or administrative sanctions. For example, sanctions in Belgium include criminal law fines, imprisonment and compensation for damages, civil damages, declaring contract clauses null and void, ordering the cessation of a discriminatory practice and the publication of a judgment. In cases where employees have been dismissed because they complained about discrimination (victimisation), they may be reinstated and receive back-pay, or alternatively they may seek damages equivalent to six months remuneration.

In Italy, under the decrees transposing the Directives, a judge can order the discriminatory behaviour to stop, its effects to be removed and the situation before discrimination to be restored. This is based on the idea that every discriminatory act is unlawful and consequently void. Discriminatory dismissals are always considered null and void and workers unfairly dismissed can be reinstated in their post. Judges can also order the publication of a decision in a national newspaper. Victims may claim compensation for financial and other damages. Enterprises found guilty of discrimination on grounds of racial or ethnic origin, religion or nationality can have any tenders, supply contracts or financial assistance from public bodies withdrawn. In certain cases, enterprises may be excluded from tenders or financial assistance for up to two years.



Equinet, the European Network of Equality Bodies, is led by the Dutch Equal Treatment Commission with the Migration Policy Group acting as the secretariat.

The purpose of Equinet is to develop cooperation and facilitate information exchange between Equality Bodies from across the EU – 18 Member States are represented – with a view to ensuring EU equality laws are uniformly applied and legal protection against discrimination is levelled up.

As well as helping Equality Bodies to fulfil their mandates through exchange of legal expertise and views on enforcement strategies, we want to encourage dialogue with European Institutions in order to promote the inclusion of equality considerations in EU policies and programmes.

Equinet operates through working groups, training sessions for staff and the exchange of information on working practices and on the laws and policies in place across the EU. In this way, it helps not only to improve the performance of Equality Bodies but to strengthen their independence and to make their support for victims of discrimination more effective. Such cooperation also means that Equality Bodies are able to learn from experience elsewhere and to make more informed recommendations for legislation and procedures in their own countries.

The network is supported by the Community Action Programme up to the end of 2006 and one of our immediate aims is to create the conditions for its sustainability beyond that.

ALEX-GEERT CASTERMANS, CHAIRMAN, DUTCH EQUAL TREATMENT COMMISSION

Equality bodies in EU Member States

Article 13 of the Racial Equality Directive (Directive 2000/43/EC) requires Member States to establish a body for the promotion of racial and ethnic equality. Its competence must include providing independent assistance to victims of discrimination in pursuing their complaints, conducting independent surveys and publishing independent reports and recommendations on issues relating to discrimination. Many equality bodies also have a mandate to cover other grounds of discrimination in addition to racial or ethnic origin. This is not required by EU law, though the European Commission strongly encourages it (see box for a list of equality and similar bodies in the 25 EU Member States and Romania and the forms of discrimination they cover).

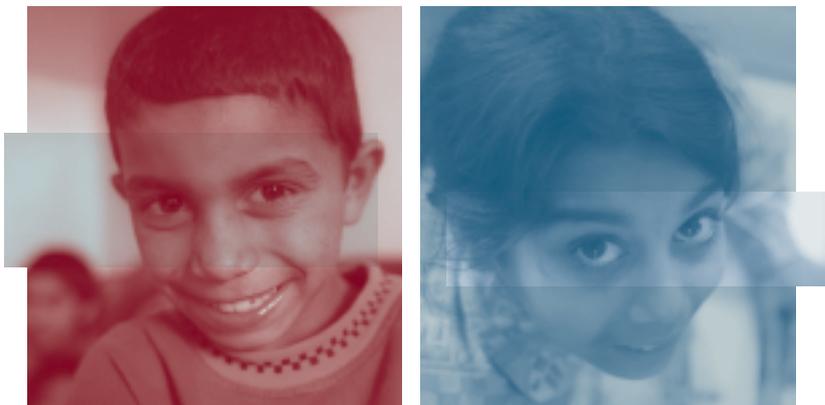
Equality bodies (or similar entities)

	Equality body	Contact	Grounds
Belgium	Centre for Equality Opportunities and Opposition to Racism — <i>Centre pour l'égalité des chances et la lutte contre le racisme</i> — <i>Centrum voor gelijkheid van kansen en voor racismebestrijding</i>	Tel. +32 2 212 3000 www.diversiteit.be	All grounds specified in the two Directives plus other grounds
Czech Republic	Public Defender of Rights — <i>Veřejný ochránce práv</i>	Tel. +420 542 542 111 www.ochrance.cz	All grounds specified in the two Directives plus sex
Denmark	Danish Institute for Human Rights — <i>Rights Institut for Menneskerettigheder</i>	Tel. +45 326 98888 www.humanrights.dk	Racial and ethnic origin
Germany	Federal Government's Commissioner for Migration, Refugees and Integration — <i>Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration</i> Federal Government's Commissioner for Needs of Disabled People — <i>Behindertenbeauftragte</i>	Tel. +49 30 20655-1835 or +49 1888-555-1835 www.integrationsbeauftragte.de Tel. +49 1888 5272944 www.behindertenbeauftragter.de	Racial and ethnic origin Disability
Estonia	The Office of the Chancellor of Justice of Estonia — <i>Eesti Vabariigi Oiguskantsler</i>	Tel. +372 693 8400 www.oiguskantsler.ee	All grounds specified in the two Directives plus sex and other grounds
Greece	The Greek Ombudsman	Tel. + 30 801 11 25 000 www.synigoros.gr	All grounds
Spain	National Disability Council — <i>Consejo Nacional de la Discapacidad</i> Ombudsman — <i>El Defensor del Pueblo</i>	Tel. +34 91 363 70 00 www.mtas.es Tel. +34 91 432 79 00 www.defensordelpueblo.es	Disability All grounds
France	High Authority for combatting discrimination and for equality — <i>Haute autorité de lutte contre les discriminations et pour l'égalité</i>	Tel. +33 08 1000 5000 www.le114.com	All grounds specified in the two Directives plus sex and other grounds
Ireland	Equality Authority	Tel. +353 1 4173333 www.equality.ie	All grounds specified in the two Directives plus other grounds
Italy	National Office against Racial Discrimination — <i>Ufficio Nazionale Antidiscriminazioni Razziali</i>	Tel. 39 06 42153 261 www.pariopportunita.gov.it	Racial or ethnic origin
Cyprus	The Office of the Commissioner for Administration (Ombudsman)	Tel. +357 22 45 63 00 ombudsman@cytanet.com.cy	Racial or ethnic origin plus religion, political or other belief, language, nationality
Latvia	Latvian National Human Rights Office — <i>Valsts Cilvēktiesību Birojs</i>	Tel. +371 7287210 www.vcb.lv	All grounds
Lithuania	Office of the Equal Opportunities Ombudsman — <i>Lygių galimybių kontrolieriaus tarnyba</i>	Tel. +370 5 261 27 87 www.lygybe.lrs.lt	All grounds specified in the two Directives

Equality bodies (or similar entities)

	Equality body	Contact	Grounds
Luxembourg	Special Permanent Commission against Racial Discrimination — <i>Commission spéciale permanente contre la discrimination raciale</i>	Tel. +352 478 36 92	Racial or ethnic origin
Hungary	Equal Treatment Authority — <i>Egyenlő Bánásmód Hatóság</i>	Tel. +36 1 235 45 05 ebh@icsszem.hu	All grounds specified in the two Directives plus sex and other grounds
Malta	Not yet established. Remit of National Commission for the Promotion of Equality for Men and Women might be extended		
Netherlands	Equal Treatment Commission — <i>Commissie Gelijke Behandeling</i>	Tel. +31 30 888 38 88 www.cgb.nl	All grounds specified in the two Directives plus sex and other grounds
Austria	Office for Equal Treatment — <i>Anwaltschaft für Gleichbehandlungsfragen</i> Ombud for Equal Employment Opportunities — <i>Anwältin für die Anwältin für die Gleichbehandlung von Frauen und Männern in der Arbeitswelt</i>	Tel. +43 1 532 0244	All grounds specified in the two Directives except disability, plus sex
Poland	Commissioner of Civil Rights Protection — <i>Rzecznika Praw Obywatelskich</i> Government Plenipotentiary for Equal Status of Women and Men — <i>Pelnomocnika Rządu ds. Równego Statusu Kobiet i Mezczyzn</i> Government Plenipotentiary for Disabled People — <i>Pelnomocnik Rządu do Spraw Osób Niepełnosprawnych</i>	Tel. +48 22 55 17 700 www.brpo.gov.pl Tel. +48 22 520 08 31 www.rownystatus.gov.pl Tel. +48 22 826 96 73 www.mpips.gov.pl/osobyniepelnosprawne.php	All grounds All grounds specified in the two Directives except disability, plus sex Disability
Portugal	High Commissioner for Immigration and Ethnic Minorities — <i>Alto Comissariado para a Imigração e Minorias Étnicas</i>	Tel. +351 218 10 61 00 www.acime.gov.pt	Racial and ethnic origin
Slovenia	Office for Equal Opportunities — <i>Urad za enake možnosti</i>	Tel. +386 1 478 84 60 www.uem-rs.si	All grounds
Slovak Republic	Slovak National Centre for Human Rights — <i>Slovenského národného strediska pre ľudské práva</i>	Tel. +421 2 572 039 11/14 www.snslp.sk	All grounds
Finland	Ombudsman for Minorities — <i>Vähemmistövaltuutettu</i>	Tel. + 358 10 60 47048 www.vahemmistovaltuutettu.fi	Racial and ethnic origin
Sweden	Sweden Ombudsman against Ethnic Discrimination — <i>Ombudsmannen mot etnisk diskriminering</i> Disability Ombudsman — <i>Handikappombudsmannen</i>	Tel. +46 8 508 887 00 www.do.se Tel. +46 8 20 17 70 www.handikappombudsmannen.se	Racial and ethnic origin Disability
UK	Disability Rights Commission Equality Commission for Northern Ireland Commission for Racial Equality	Tel. +44 8457 622 633 www.drc-gb.org Tel. +44 28 90 500600 www.equalityni.org Tel. +44 20 7939 0000 www.cre.gov.uk	Disability Racial and ethnic origin, religious belief and political opinion, sex, disability, sexual orientation Racial and ethnic origin
Romania	Romania National Council for Combating Discrimination — <i>Consiliul National pentru Combaterea</i>	Tel. +40 21 312 6578/79 www.cncd.org.ro	All grounds

Improving the situation of Roma in the EU



For centuries, Roma ⁽¹⁾ have been subject to discrimination and persecution. Although their historical origins have, at times, been in dispute, it is now largely a matter of consensus — particularly on the strength of linguistic evidence — that the Romani people are descended from groups who left the Indian sub-continent towards the end of the first millennium AD.

Although statistics on ethnic origin are not collected in some countries, estimates suggest that there may be around 3–4 million Roma in the EU and perhaps a further 2–3 million in Bulgaria and Romania, countries which are due to join the EU in 2007.

EU enlargement has helped to focus attention on the discrimination and exclusion faced by Roma communities in both ‘new’ and ‘old’ Member States. Much of the responsibility for addressing these challenges lies at the national, regional and local level. But a range of EU policies and programmes can help to support the efforts of national authorities and civil society organisations. This part of the report outlines a number of initiatives that the European Commission has taken recently to promote the social inclusion of Roma.

THE NATURE AND SCALE OF THE CHALLENGES

Roma face discrimination and social exclusion to varying degrees throughout the EU. In all countries where statistics are available or surveys have been carried out, they show that Roma have substantially lower levels of education, much higher rates of unemployment, significantly lower levels of income and poorer health than the rest of the population (see, in particular, European Commission, *The situation of Roma in an enlarged European Union* ⁽²⁾). In many Member States, Roma children are routinely segregated at school, often going to ‘special schools’ for those with learning difficulties or being put into special classes. Many Roma, moreover, live in deprived and segregated areas with poor-quality housing, a lack of basic services and limited access to good-quality healthcare (see box).

⁽¹⁾ The term ‘Roma’ is used in this report to refer to persons describing themselves as Roma, Gypsies, Travellers, Manouches, Sinti and other groups perceived as ‘Gypsies’. The use of the term ‘Roma’ is not intended to downplay the great diversity that exists within these communities or to promote stereotypes.

⁽²⁾ http://www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/roma04_en.pdf

The situation of Roma in EU Member States

The following statistics give an indication of the situation of Roma in Europe.

Over half of the children in special schools in Slovakia were of Roma origin in 2002–03.

Only half of Roma children attended school at all in Germany in 2003 and up to 80% of those who did were in special schools.

Roma children are also over-represented in special schools in Hungary, Bulgaria, Poland and Slovenia.

Over 85% of Roma of working age were not officially in employment in Slovakia in 2003.

Over 80% of Roma had income below the national poverty in Bulgaria, Hungary, Romania and Slovakia, according to the UNDP survey carried out at the end of 2001.

Around 45% of Roma in Hungary and Slovakia had no inside toilet according to the same survey.

Some 65% of the Roma surveyed in Romania and 45% of those in Bulgaria lived in dwellings without running water.

Source: European Commission, *The situation of Roma in an enlarged European Union* and United Nations Development Programme (UNDP), *Avoiding the dependency trap*.

A CONCERTED EFFORT TO IMPROVE THE SITUATION OF ROMA

The EU anti-discrimination legislation described in Part I of this report can help Roma to defend their right to equal treatment in accessing employment, training, education, social security, health-care, housing, goods and services. The European Commission, through its Community action programme to combat discrimination, is providing training to Roma advocate organisations alongside other NGOs in order to give them the legal and practical information required to defend victims of discrimination.

The EU is actively monitoring respect for minorities, including Roma, and the protection they receive in the candidate countries as part of the accession process. The EU Monitoring Centre on Racism and Xenophobia has recently stepped up its monitoring of the situation of Roma in EU Member States. In addition, the Commission encourages national authorities to take account of the needs of Roma communities when drafting their national action plans for employment and social inclusion.

EU funding provides additional support for Roma inclusion. The Commission is working with national authorities and NGOs to ensure that funding reaches its target and that systems for monitoring and evaluation of policy are improved. Examples of some of the projects supported by the EU are given below.

To address the multidimensional challenges faced by Roma, the Commission is taking action to ensure that EU policies and programmes are working together in a coherent way. As a first step, a study was commissioned (see box) to analyse the situation of Roma in the enlarged EU and to review relevant policies. This study was carried out in cooperation with Roma NGOs and in consultation with national authorities.



The situation of Roma in an enlarged European Union

The study, funded under the Community anti-discrimination and social inclusion programmes, examined the living and working conditions of Roma in the EU countries where they are most numerous. On the basis of this, it made a number of recommendations for policies on education, employment, housing and healthcare. In particular, it recommended that the EU should:

- raise awareness about the situation of Roma and the discrimination they suffer and monitor the effect of the new laws following the Racial Equality Directive
- strengthen coordination between different EU policies and programmes and between the EU and other international organisations,
- ensure that Roma are involved in the formulation, implementation and evaluation of policies and that Roma issues are taken into account in relevant EU and national policies,
- establish methods for monitoring and evaluating the effectiveness of programmes for improving the situation of Roma;

that Member States should:

- recognise Roma as a distinct ethnic group for priority action under social inclusion and employment policies,
- develop methods of collecting data on ethnic origin in cooperation with the European Commission,
- ensure that all public authorities at national and local level include bodies charged with ensuring the inclusion of Roma;

and that Roma organisations should:

- become more active in trying to eradicate the stereotyping of Roma and prejudice against them,
- push for the monitoring of the situation of ethnic minorities so as better to identify the problems they face,
- be included in European NGOs and networks involved in combating discrimination and furthering basic rights.

The report is available online in English, French and German at:

http://www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/roma04_en.pdf

In response to the recommendations of the study, the Commission has set up a special Inter-Service Group to ensure that the wide range of policies and programmes now being implemented to tackle Roma issues are properly coordinated. Fourteen different Commission directorates are represented in the group, covering not only employment and social affairs, but also enlargement and external relations, education and culture, justice and human rights, healthcare, regional policy and rural development among others. The aim is to develop policy guidelines, to exchange information between all the directorates concerned, and to ensure that the best use is made of the funding available and that lessons are learned from past experience.

The EU is also cooperating with other international organisations in this area. For example, the European Commission is a member of the Steering Committee for the Decade of Roma Inclusion 2005–15, which was launched in Sofia in February 2005 (see box).

The Decade of Roma inclusion 2005-2015

The Decade of Roma Inclusion initiative was endorsed by the governments of Bulgaria, Croatia, the Czech Republic, Hungary, FYR Macedonia, Romania, Serbia and Montenegro, and Slovakia in February 2005. It is supported by the Open Society Institute, the World Bank and a number of other international organisations.

The initiative, which will run until 2015, is aimed at closing the gap between Roma and the rest of the population in the countries concerned. The international steering committee, made up of representatives of the governments involved, international sponsors and Roma themselves, has identified four priority areas for action (education, employment, health and housing), along with three cross-cutting issues (poverty, discrimination and gender).

Support for Roma under the PHARE programme

The purpose of the PHARE programme is to assist countries in central and eastern Europe to tackle economic and social problems and to help them prepare for EU entry. Since 1998, well over EUR 100 million of PHARE money has been devoted to projects for improving the situation of the Roma minority in countries where they represent a large share of the population. Significant sums continue to be spent in Bulgaria and Romania on programmes where Roma are the main beneficiaries, many of them actively involving Roma in their implementation.

For example, the 'Access to education for disadvantaged groups' project in Romania, coordinated by the Ministry of Education and Research, is aimed at changing education practices by involving Roma school inspectors as a link between the education authorities and teaching staff. (More examples can be found at:

http://www.europa.eu.int/comm/enlargement/phare_evaluation_pdf/revised_minorities_thematic_raw_161204.pdf).

Support for Roma under the Structural Funds

The European Social Fund (ESF), which is one of the EU Structural Funds, is supporting a number of projects in both the new and 'old' Member States, with a view to improving the

access of Roma, among other disadvantaged groups, to employment, especially through better education and training. A prominent example is the ACCEDER project in Spain, which is part of the inter-regional 'Fight against discrimination' programme, aimed at tackling the problems of disadvantaged groups in the labour market. The objective of the project is to get 4 000 Roma into employment by the time it ends in 2006 by:

- helping them to obtain professional qualifications;
- adapting training programmes and employment services to their specific needs;
- raising awareness of the discrimination suffered by Roma and improving the way they are viewed by the public at large;
- encouraging more active measures to improve their living conditions and their access to public services.

In addition, a large number of projects for helping Roma have been supported by the EQUAL initiative, which is financed by the ESF to encourage innovative approaches to improving the situation of those disadvantaged in finding employment. Between 2001 and 2004, 45 of the projects funded were targeted either at Roma alone or at Roma together with other disadvantaged groups (see box for examples). In the new round of the EQUAL programme, starting in 2005, around 80 new projects are directed at helping Roma.

Examples of EQUAL projects

In Austria, the 'Mri Buti' project was aimed at helping Roma find work in the Burgenland region, through guidance and counselling. In Hungary, Roma men and women were trained to do jobs for which there was a local need, such as bricklaying and childcare. In Germany, a project was implemented for testing new approaches to the qualification of Roma and Sinti for jobs — as mediators in education or social work, for example. In France and Ireland, members of the Roma and Traveller communities are being helped to set up new businesses.





Roma in Brussels – Livia Járóka, MEP

Livia Járóka was the first Member of the European Parliament of Roma origin from the new EU Member States when elected in June 2004. She is a social anthropologist, who is completing a doctorate at University College London on ethnic minorities. She sees herself first and foremost as a representative in Parliament of the Hungarian people, but since many of these are Roma, she also sees her role as acting as a mediator between the different bodies concerned with Roma issues at an EU level and representative groups dealing with these issues on the ground.

'There is', she says, 'a great deal of ignorance about Roma, who, because of stereotyping, tend to be regarded as a uniform group, sharing a common identity and the same kind of characteristics, which are either highly romanticised or extremely negative. In fact, the several millions of Roma in Europe are as diverse as any other ethnic group, with different languages, cultures and locational circumstances as well as different skills and aptitudes. If they themselves have a common sense of their gypsy identity, it is often because they share the same experience of discrimination and exclusion. There is a need to change the general perception of gypsies and to demystify the image which people have of them, to replace the stereotype with the reality.'

This simplified and false perception has led, she considers, to a misconception of what should be addressed as Roma-related policy issues and what should not. *'Discrimination against Roma or cultural issues should be specifically tackled as such, with particular measures targeted at dealing with them. Problems suffered by Roma in education, employment, healthcare and housing should be tackled not primarily from a Roma perspective but in their own terms. The aim, in other words, should be to put in place policies for ensuring everyone has equal access to a good education, a decent job, a high level of healthcare and so on, irrespective of their ethnic origin.'*

An important way of changing the image of Roma, she believes, is to involve more Roma both in politics and in the media. *'I want to see more Roma involved in the decision-making process and for this I work closely with NGOs and with everybody who can contribute to making things change for the better for Roma, irrespective of their party. In this regard, I think that the internship programme launched by the European Commission with the support of the Open Society Institute is a great initiative and I am in the process of creating similar traineeships in the Parliament.'*

'The media is also an area where the increased presence of Roma is crucial. There is a sort of media hysteria in relation to Roma who are too often mistakenly and unacceptably portrayed as threatening national security. I see 2007, which is the Year of Equal Opportunities, as providing a major chance to change the general perception of Roma. We are already working on developing ideas and initiatives to ensure that the Year of Equal Opportunities will have a real effect.'

Two other parts of the Structural Funds — the European Regional Development Fund (ERDF) and the European Agricultural Guidance and Guarantee Fund (EAGGF) — also support a range of programmes which benefit Roma as well as other people living in disadvantaged areas. In these areas, the ERDF is helping to finance the building of roads and other basic infrastructure, such as clean water supply and main drainage systems, and renovation of schools and hospitals, as well as the creation of small businesses, while the EAGGF is providing support for disadvantaged communities in rural areas.

THE COMMUNITY ACTION PROGRAMME — FOCUS ON ROMA

The Community action programme, set up to bolster the new EU laws against discrimination, complements the projects being supported by the Structural Funds. Tackling the problems experienced by Roma in accessing education and employment has been identified as one of the priorities for funding under the programme. In addition, Roma organisations have been encouraged to apply for financial support for projects in other priority areas, such as developing cooperation between NGOs, training advocates to defend the rights of those exposed to discrimination and developing the means for monitoring discrimination (a list of projects supported by the action programme can be found at:

http://www.europa.eu.int/comm/employment_social/fundamental_rights/callspt/result006_en.htm)

Five projects addressing specific problems experienced by Roma and involving organisations from different EU countries are, at present, being supported by the programme (see boxes on these).



Proekti e Evropejskone
sindikalnove
komitetoskoro ašal o
sikljovipe

Developing non discriminatory quality education for Roma children

The project is aimed at raising awareness of the problems faced by Roma children and of the need to tackle these. It is addressed to teachers and their trade unions, education authorities and parents and is intended to improve the quality of schooling as well as to change policy.

'Much has been done at European level to fight against discrimination of Roma in eastern Europe', says Elena Jenaro, project manager, 'but this is the first project for improving the education of Roma children which involves teacher trade unions. Roma children are an important part of the future of these societies and teacher trade unions have a significant role to play in this regard.'

A concrete outcome will be the preparation of national action plans with guidelines for trade unions to follow in their negotiations with education authorities. It is also intended to develop a toolkit for training teachers on how to recognise discrimination and tackle it. The aim is to train 75 teachers initially to use the toolkit and for each of these to train at least a further 10, so that, by the end of the project, over 750 will have been trained.

Leader: European Trade Union Committee for Education — ETUCE

Partners: Algemene Onderwijsbond, Podkrepa Trade Union, Trade Union of Workers in Education and Science Slovakia, Teachers' Democratic Union of Hungary, Syndicat des Enseignants de Hongrie, Syndicat des Enseignants Bulgares

Information: Elena Jenaro, project manager, at elena.jenaro@csee-etuice.org

Roma and Sinti Participation for effective policy in employment and education

The project brings together a diverse group of NGOs in Bulgaria, the Czech Republic, Hungary, Italy and Slovakia, each concerned with furthering the rights of Roma in different areas. The two main objectives are to develop long-term policies to combat systemic discrimination against Roma and Sinti in education and employment, and to increase the ability and confidence of NGOs to participate in the political arena as effective advocates of the rights of Romani communities.

'The intention', says Savelina Danova, project manager, 'is to raise the skills of Roma and Sinti activists and bring them permanently into the sphere of policy-making in order to ensure that policies are in line with the needs and wants of Roma and Sinti themselves.'

A key aim is to sustain the project after the period of EU funding comes to an end. The project objectives include documenting discrimination against Roma in employment and education and assessing government on Romani education. This will form the basis of policy recommendations, which in turn will be the core of future lobbying efforts to strengthen policy in these areas.

Leader: International Helsinki Federation

Partners: European Roma Rights Centre and the European Roma Information Office

Information: Savelina Danova, project manager, at savelina.danova@errc.org



TRANSPOSE – Traveller Roma advocacy network supporting people to organise to secure equality

The project is a joint venture of the Irish Traveller Movement, the European Roma Rights Centre and the Italian Helsinki Committee and involves five countries (the Czech Republic, Hungary, Ireland, Italy and Slovakia). The objectives are to:

- raise awareness of discrimination against Travellers and Roma among policy-makers and specialised bodies, as well as in society at large;
- make Travellers and Roma more aware of the legal protection in place and of the means available to combat discrimination;
- increase solidarity among Travellers and Roma in their efforts to fight discrimination;
- train a network of skilled Traveller and Roma advocates who can work to ensure that EU Equality Directives are applied at local level.

According to Anne Jennings-Tauciene, *'the TRANSPOSE programme provides a unique opportunity for Traveller and Roma to acquire the skills to become advocates for their communities. The initiative is about empowerment through access to information and so access to rights. The goal is a strong locally-supported network of community advocates who will use the skills acquired through TRANSPOSE training as an effective resource for their communities.'*

Leader: Irish Traveller Movement

Partners: European Roma Rights Centre and the Italian Helsinki Committee

Information: Anne Jennings-Tauciene, project manager, at communityadvocacy@hotmail.com



Promotion
of Roma/Traveller
Integration and
Equal Treatment
in Education
and Employment

Roma EDEM – Promotion of Roma/Traveller integration and equal treatment in education and employment

The general aim of the project is to reduce the gap between anti-discrimination legislation and practice in respect of Roma and to ensure that Roma issues are firmly on the EU political agenda. The intention is to promote anti-discrimination in public services, to raise awareness among key public and private-sector figures, to increase the capabilities of Roma and Traveller associations and communities, especially women, to defend their basic rights and to ensure that information about Roma and Travellers and their culture is accurate and free of stereotypes.

'The activities planned for the two-year implementation phase', says Cristina Domínguez Robles, project manager, 'include seminars on equal treatment in education and employment in each of the countries involved addressed to Roma and Traveller associations, international seminars on the monitoring of anti-discrimination legislation and policies at local level, the production and dissemination of material for Roma providing information on equal rights, resources, and examples of good practice in English, Spanish, Portuguese, Czech, Hungarian and Romanian as well as in Romani.'

Leader: Fundación Secretariado General Gitano

Partners: the Equality Commission for Northern Ireland, the High Commissariat for Immigration and Ethnic Minorities in Portugal, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities in Hungary, the Human Rights Department of the Office of the Government in the Czech Republic, the National Council Combating Discrimination in Romania, and the Romani CRISS in Romania

Information: Cristina Domínguez Robles, project manager, at gabinete@fsgg.org



RomEco – Roma and the labour market

'The majority of policies and projects directed at fighting social exclusion of Roma in Europe focus on cultural issues', says Jochen Blaschke, project manager 'and policies focused on the integration of Roma throughout Europe are still lacking.'

The project is aimed at analysing the situation of Roma in the labour market in four countries, Bulgaria, the Czech Republic, Germany and Italy, and at assessing vocational training programmes for integrating Roma into the economy. A major objective is to establish a network of experts on discrimination, labour markets, vocational training and Roma issues, including Roma themselves, to exchange views and ideas in order to identify the key conditions for a successful policy of integration.

A further aim is to develop new approaches to vocational training in order to further the integration of Roma into the labour market. In addition, brochures and other publications will be produced to increase public awareness of the Roma situation.

Leader: Berliner Institut für Vergleichende Sozialforschung (BIVS) in Germany

Partners: Università degli Studi di Firenze, Dipartimento di Scienze dell'Educazione in Italy, Dzeno Association in the Czech Republic and Studii Romani in Bulgaria

Information: Jochen Blaschke, project manager at jochen.blaschke@emz-berlin.de; Guillermo Ruiz, project coordinator, at guillermo.ruiz@emz-berlin.de

Support to Roma network The Community action programme is also offering financial support to a network representing Roma interests at EU level. This is intended as a means for Roma representatives and policy-makers to communicate and consult with each other, the aim being to 'mainstream' Roma issues — to try to ensure, in other words, that Roma interests are taken into account in all policies which affect them. (Details of the terms of reference can be found at: http://europa.eu.int/comm/employment_social/fundamental_rights/callspt/calls_en.htm)





Roma in Brussels – Viktória Mohácsi, MEP

Before taking her seat in December 2004, Viktória Mohácsi acted as the Commissioner responsible for desegregation of Romani children in the Hungarian Ministry of Education and before that worked in the European Roma Rights Centre in Budapest. Her Roma identity is key to her being an MEP and she has a clear mission to fight for the Romani people.

'Although we Roma are a very diverse group in Europe, we share a common identity, a common cultural heritage and a common language, even if there are many different dialects. Our group identity is also reinforced by centuries of discrimination. Because we feel threatened, we tend to stick to our own communities and to isolate ourselves from other people in the countries where we live.'

She has clear views on what is necessary to bring about a major improvement in the situation of Roma across Europe. *'Civil society can lobby but governments are key to action being taken. Generally speaking, however, the tendency is for governments to focus on the cultural aspects of the Roma issue, on promoting Romani folklore which is perceived as being popular and safe in political terms and a lot of money is spent on initiatives in this area. Very little is done to integrate Roma into society and little is spent on education, housing, or employment which are key to this. When people are hungry they are not in the mood to go dancing.'*

'Education is a critical issue and one that I take most to heart. The situation as regards education is very similar in all countries irrespective of the size of the Roma population; even in Finland, where, if I am correct, there are less than 10 000 Roma, most of the Romani children attend special schools intended for those with learning difficulties. In Hungary, 30% of children aged 6–14 are in special schools. In my view, this is a mental holocaust for those graduating from these schools: they receive a low standard of schooling which effectively denies them the opportunity to receive further education. In turn, they will find it difficult or impossible to find a job and will end up living on social benefits. The fact that so many Roma are unemployed is due partly to the social situation and discrimination but to an important extent it is due to a lack of education.'

'In 2002, the Hungarian Government launched a policy of desegregating Romani children at school so as to integrate them into the mainstream education system by 2006. Before doing so, they surveyed parents on how they felt about the proposal. While almost half supported the idea of integration, 94% said they would not want their child to sit next to a Romani child.'

'I see my role as an MEP to be communicator between the EU and the people working on the ground and to keep them up to date on developments. I believe the EU is important because it can put pressure on national governments to take action. My goal is to ensure that all children have the same right to quality education irrespective of their background and I would be happy to see legislation on desegregation adopted by the end of my mandate.'

'I am very optimistic about the Decade of Roma Inclusion initiative, but it is important that the NGOs involved are directing the funds towards the real issues at stake and into programmes which can make a difference.'

Internship scheme for Roma graduates In November 2004, the Commission launched an 'internship' scheme, sponsored by the Open Society Institute, to provide in-work training for 10 Roma university graduates in 2005 in Commission services. The internships of three months each, are open to candidates from the new Member States (excluding Cyprus and Malta), Bulgaria, Romania, Croatia, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro, and Turkey. The aim is to give those involved a general idea of the aims of European integration, practical knowledge of the work of the Commission, and personal experience and contacts which are useful in their future careers.



The Roma internships

According to Odile Quintin, Director-General of Employment and Social Affairs, the scheme will enable the graduates concerned *'to get an insight into how we work in the Commission and to contribute to our thinking... [it will] benefit the young people and their communities, but also be of great benefit to us as we consider our own future direction.'*

The four Roma graduates, who were selected for the internships starting on 1 May 2005, are a reporter from Bulgarian National Television, a Romanian legal expert who has worked for the Foundation for Democratic Change in Bucharest and European Roma Rights Centre in Budapest, a consultant to a number of international organisations on Roma issues and a Community liaison coordinator.

Radostina Chaprazova, a graduate in political sciences of the American University in Bulgaria, who will take up an internship in the Directorate-General for Employment, said that *'the internship is an extraordinary opportunity for me, but also a big challenge. It will help me find out whether I can really contribute to defending the rights of my people and whether I am on the right career path. Bulgaria is a melting pot of different religions, ethnicities and nationalities. But there is open hostility towards Roma, expressed in an unwillingness even to communicate, let alone to live in the same neighbourhood or to have their children attend the same school. Thousands of Roma live in misery, separated in ghettos from the rest of the community, in unacceptable conditions which need to change, and my mission is to help bring this change about.'*

European Commission

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Unit D.3
B-1049 Brussels

empl-antidiscrimination@cec.eu.int

Or consult our internet site :

http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

Internet site of the "For Diversity - Against Discrimination" campaign:

<http://www.stop-discrimination.info>