

Fact Sheet

The EU Anti-discrimination policies

This fact sheet is developed under the Project for Promoting EU Citizenship Among Roma People, supported by the European Commission, DG Education and Culture. The purpose of the fact sheet is to provide the targeted audience of the project with an overview of the European anti-discrimination legislations without going into deep legal and comparative analyses, something which will make the content of the fact sheet more accessible and understandable. The fact sheet also aims at raising awareness among Roma and other vulnerable groups about the existence of European anti-discrimination instruments which they could use to redress discrimination to which they are often subjected

I. Introduction

Since late nineties the European Union undertakes the responsibility to find effective way for combating discrimination on different grounds. In 2000 the adopted principle of equal treatment envisaged in Article 13 provisions had to be implemented by Members states in the face of the two ground-braking Directives on Race Equality and Employment Equality. Both directives considered to be the most comprehensive anti-discrimination legislation the EU has had so far.

Though the practice shows that to fight against discrimination with anti-discriminations laws only is not enough if they are not supported by relevant policies and concrete actions. For this reason the EU created specific funding programs aiming to ensure that anti-discrimination laws are implemented successfully and policies become reality.

II. European Anti-Discrimination Policies

1. Community Action Program to Combat Discrimination

In 2001 was established the Community Action Program to combat discrimination which supported activities combating discrimination on grounds of ethnic origin, religion or belief, disability, age or sexual orientation. The program ran until 2006. It had three main objectives:

- to improve the understanding of issues related to discrimination through analyses and evaluation.
- to develop capacity to combat and prevent discrimination through building and strengthening inter-organizational dialogue and networking.
- To promote values underlying the fight against discrimination through awareness-raising activities.

The Community Action Program operated with overall budget of 100 million euro. Along other activities such as those supporting transnational partnerships, the Community Action Program also was aiming to support Member States to better redress discrimination at national level. In some aspects Member states did not react adequately to the transposition and implementation of the two Directives for which they have been subjected to infringement procedures. The Community Action Program supposed to involve members of groups found to be most discriminated against and encourage them to actively participate in the projects designed to address discrimination. In this regard, the Community Action Program is considered to be not sufficient in involving Roma people in its national level activities.

2. PROGRESS

For the period of 2007-2013, the European Union Commission decided to follow the line established by the previous Community Action program to combat discrimination 2000-2006 with introducing a new program called PROGRESS (Program for Employment and Social Solidarity). The program was approved by the European Parliament and Council in November 2006.

PROGRESS provides policy development in the following five areas: employment, social inclusion and protection, working conditions. Non-discrimination and gender equality. In the field of non-discrimination the program is aiming at supporting the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies with focusing on:

- a) improving the understanding of the situation in the field of discrimination, in particular through analysis, studies and the compiling of statistics and indicators where relevant, as well as by assessing the impact and effectiveness of existing legislation, policies and practices;
- b) supporting the implementation of EU anti-discrimination legislation through reinforced monitoring, organizing seminars for practitioners and creating networks of specialized bodies engaged in combating discrimination;
- c) raising awareness, disseminating information and promoting the debate on the major challenges and policy issues at stake in the discrimination

issue and in mainstreaming antidiscrimination in all EU policies, as well as among the social partners, NGOs and other stakeholders;

d) developing the capacity of the principal networks at European level to promote and develop even more the Community strategies and political objectives in the field of the fight against discrimination.

The global budget of PROGRESS is 743,25 million Euros as 23% of the amount will be used in the field of non-discrimination. The support of the program will focus on three types of actions – Analyses; Mutual Learning, Awareness and Dissemination; and Support to main actors.

The anti-discrimination legislation is a powerful tool to combat discrimination, but they are unable to fully ensure a society free from discrimination. To achieve equal treatment requires a more proactive approach, focusing on public authority responsibility at all levels. In this respect PROGRESS is seeking to:

- Identify and address issues of socio-economic disadvantage and systemic discrimination
- Guarantee actual access to rights and opportunities
- Implement positive legal and practical measures in the public and private sectors

In the area of non-discrimination PROGRESS will develop a better understanding on multiple discrimination in particular. In this regard it is expected that the European Commission will present a study of Roma women a group often subjected to multiple discrimination. The program is seeking not only to cover more areas but also to involve wider range of actors. The basis established by the Community Action Program on which PROGRESS seems successfully is building on and the innovations and new approaches introduced should make a real impact in long term.

3. The 2007 -Year of Equal Opportunities for All

Building on the results of the Community Action Program to combat discrimination – which has supported anti-discrimination activities in the period of 2001-2006, the European Union has announced 2007 the Year for Equal Opportunities for All. The Year has been brought forward by the European Council and the European parliament as part of a concrete effort to promote equality and non-discrimination in the European Union.

This initiative is a result of the challenges identified during the 2004 “green paper” consultation process of the European Commission, for the future anti-discrimination policies. Most of the respondents in this process called for further action to inform people about their rights and to challenge discrimination attitudes and behavior.

The 2007 Year of Equal Opportunities for All had three key objectives:

- To make EU citizens aware of their rights to non-discrimination and equal treatment.
- To promote equal opportunities for all-access to employment, education, in the work place or in the healthcare sector.
- To exemplify the benefits of diversity for the EU.

In addition the year was aiming to give a new impetus to tackling discrimination on the grounds of sex, ethnicity or racial origin, age, sexual orientation, disability, religion or belief and to promote respect to everyone in society and encourage participation of groups who may be subjected to discrimination.

The activities of the Year were based on the following four key themes :

- Rights – raising awareness on the rights to equality and non-discrimination.
- Representation – ways to increase the participation of groups which are victims of discrimination.
- Recognition – facilitating and celebrating diversity and equality.
- Respect – Promoting a more cohesive society.

The European Year of Equal Opportunities set up a quite a decentralized approach, with trying to involve people and NGOs, trade unions, employers and local authorities. The budget of the Year was 15 million Euro as half of it supported European level activities and the rest was dedicated to national, regional and local initiatives. The support was provided through specially appointed bodies at national level, such as the national equality body, national agencies dealing with minority issues, diversity and equal treatment or by social ministries.

The Year of Equal Opportunities should not end there, as the goals set up in these initiatives are to invest in long term policies which will change attitudes, to achieve diversity in society as prerequisite for equal treatment and to create opportunities for everyone in the EU.

The dedicated action of the 2007 Year of Equal Opportunities to strengthening principles of equality and diversity continues into 2008, with the European Year of Intercultural Dialogue. It presents a further occasion to draw on the wealth and diversity of cultural backgrounds in advocating the message of anti-discrimination.

4. The Campaign “For Diversity, Against Discrimination”

Legislation by itself is not enough to combat discrimination. If anti-discrimination policy is to work it also needs to make people aware of the negative impact of discrimination, inform people about their fundamental rights and the legislation they can use to protect themselves from discrimination and challenge discriminatory attitudes.

For last five years the European Commission has initiated an anti-discrimination policy through awareness raising activities. The campaign “ For diversity, against discrimination” is run by the European Commission and involved a large number of civil society organization and activities from all 27 EU Member States. The campaign is to raise awareness of discrimination, and the existing EU anti-discrimination legislation to fight discrimination, as well as to increase the understanding of the benefits for a diversity in each society.

The 2008 activities of ‘For Diversity. Against Discrimination’ started with truck tour in the following countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. In each country the campaign will initiate debates and concerts and other information means which will bring together people from different fields and will promote anti-discrimination and diversity.

The campaign also includes a Journalist Award for journalists in the EU Member States who, through their publications and activities, contribute to the fights against discrimination a better understanding of the benefits of diversity. This competition for the award has a particular focus on the Roma as the most disadvantaged groups often subjected to racial discrimination.

5. Work with Civil society

One of the main objectives of the European Union anti-discrimination policies is to establish dialogue and promote synergism among civil society organization in their fight against discrimination. For this reason funding to European NGO at different level was provided under the previous Community Action Program to combat discrimination and the current PROGRESS. Organizations supported by their networks provide with their expertise and information to the formulation and more effective implementation of the European anti-discrimination policies. These European networks include more than 1000 NGOP at national and local level including many Romani organizations as well. Networking of national equality bodies was also supported by the Commission. It is expected that they will promote the principle of equal treatment and will assist individuals and groups faced discrimination.

6. Training to combat discrimination

Another very important aspect of the European anti-discrimination policy is to provide training to specific target groups. In order to achieve effective implementation of the anti-discrimination law the European Commission has supported with anti-discrimination training members of the judicial systems in each Member state, NGOs and trade unions, police and media representatives. The Policy includes also training of trainers activities which has a multiplying effect and reaches a larger number of people in the countries of the Union.

III. European Anti-discrimination Policies and their impact to Roma people

Current anti-discrimination policies had a poor impact on the human rights situation of Roma. Racism against the largest minority group in Europe is in particular concern characterized with persisting individual and institutional discrimination. Number of researches and reports show that Roma remain the most discriminated community in Europe. In support to this the recent Eurobarometer, an European opinion poll on equal treatment shows that in some European countries almost half of the population would feel uncomfortable to live next to Roma people. Although European Institutions have condemned anti-Gypsyism as a specific form of racism, no effective tool has been used to eradicate such an attitude towards Roma. Relevant Policies and funded programs tend to be ineffective due to lack of strategic focus as well as of not participation of Roma in the design and implementation of these policies. The racism and widespread discrimination against Roma, as well as the minimal effect of the European anti-discrimination policies demand an urgent adoption of a European Roma specific policy.

The European Commission promises in its Communication to the European Institutions on non-discrimination and equal opportunities, to remain vigilant in this area and to step up its work with national equality bodies to improve their capacity to tackle cases of discrimination against Roma. The Commission will continue to support capacity-building among Roma civil society and to promote their involvement at all levels of policy development and implementation.