

CM 2204 Comment on consultation equality bodies

Amsterdam, March 2022

1. Introduction

Considering the concerns of many EU citizens about a continuing occurrence of discrimination, the Meijers Committee – a collective of lawyers, judges and academics based in the Netherlands –, welcomes the Commission's initiative to strengthen the position of equality bodies in the member states.

With a view to the development of equality bodies in the EU and the Dutch situation in particular, we wish to share the following recommendations.

2. Recommendations

1. The Meijers Committee recommends the enactment of safeguards for the independence of national equality bodies. Safeguards should be laid down in EU-wide legal standards and should ensure the institutional independence of equality bodies, instead of only the independence of their activities (as is currently provided in Art. 13(2) Directive 2000/43). Examples of such safeguards are:

–equality bodies should have their own budget;

–board members, commissioners or other constituent members of equality bodies must be appointed for a fixed term provided by law, the possibility of renewal should also be provided by law.

In order to ascertain that equality bodies can act outside the scope of Directive 2000/43, the Meijers Committee recommends that their competences be extended to the full scope of the Employment Equality Directive, 2000/78.

2. The Meijers Committee recommends that national equality bodies are given the legal competence to give (non-binding) opinions or views on individual complaints of discrimination. Such opinions by a specialised equality body can contribute greatly to the development of anti-discrimination law in the Member States, as is evidenced by the example of the Netherlands Institute for Human Rights (NIHR). Compared to the courts, an equality body issuing non-binding decisions provides a low-threshold facility for individuals who believe that they have suffered discrimination.

With due regard to the continued existence of structural and institutional forms of discrimination, the Meijers Committee recommends that equality bodies are explicitly given the competence to conduct surveys regarding structural and institutional discrimination. This may be done by adding to Article 13(2) Directive 2000/43, first hyphen, the words 'including structural and institutional forms of discrimination'.

3. The Meijers Committee recommends to enact minimum standards concerning the accessibility of equality bodies. These can include, for example, the requirement that the equality body must have an up-to-date and accessible website and that their premises are accessible for persons with disabilities. the availability of local or regional contact points or obligations for the national authorities to provide information on the existence and accessibility of equality bodies.

4. It is recommended that board members, commissioners or other constituent members of equality bodies represent the diversity of society. Representation of groups covered by the non-discrimination grounds in EU legislation should be guaranteed.