ERT letter to President Barroso urging a unified approach to non-discrimination legislation

Today, The Equal Rights Trust (ERT) wrote to Jose Manuel Barroso, the President of the European Commission, regarding the Commission’s plan to draft a non-discrimination directive on the basis of Article 13 of the Amsterdam Treaty.

In October 2007 the European Commission, empowered under Article 13 to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, sent to the European Parliament its Legislative and Work Programme for 2008. The Commission indicated that it was necessary to implement a new European Directive to ensure the same level of protection for all grounds and promote harmonization throughout Europe in this field.

In recent weeks there has been concern among civil society organisations, national equality authorities, national and European politicians and eminent practitioners that the legislative proposals currently being formulated by the European Commission are too narrow in scope and that by covering only disability and not also age, religion and belief, sex and sexual orientation it will dilute the vision of Article 13.

In a detailed advocacy letter, ERT set out its concerns regarding such an approach and made the following recommendations in relation to the Commission’s legislative proposals:

1. The European Commission in its legislative proposals should introduce a single non-discrimination directive covering all grounds referred to in Article 13: age, disability, race, religion and belief, sex, and sexual orientation.

2. The single non-discrimination directive should provide protection against discrimination on all Article 13 grounds covering all areas outside employment,
which are specified in Council directive 2000/43/EC in respect to race or ethnicity, and level up protection on all grounds to – at minimum – that afforded on the ground of race or ethnicity.

3. The principles and obligations contained in the UN Convention on the Rights of Persons with Disabilities should be incorporated into the single non-discrimination directive.

4. The single non-discrimination directive should be supplemented with a separate document providing guidelines on the application of the directive in respect to disability and focusing on meeting the specific challenges facing persons with disabilities.

5. A prohibition of multiple discrimination should be expressly set out within the single non-discrimination directive.

6. It should be set out plainly within the single non-discrimination directive that positive action and positive duties are not exceptions to but are an integral part of implementing the principle of non-discrimination set forth by Article 13.

7. The exceptions within the single non-discrimination directive should be limited, covering a range of circumstances and subject to a strict justification test.

To see the full text of the letter go to: