



**MEETING OF CHAIRPERSONS
OF THE COMMITTEES SPECIALISED IN FUNDAMENTAL RIGHTS**

Session 4 – New tools to combat discrimination

Background note

Discrimination can be practised in widely differing ways, depending both on the characteristics of the person discriminated against (female gender, sexual orientation in the case of LGBT, the elderly, foreigners or simply members of an ethnic minority, people with disabilities, Roma) and on the form the discrimination takes, which may be by violence, but may also take the no less odious form of preventing others' enjoyment of goods and services.

Despite the high level of cultural, legal and economic development achieved by the countries of the European Union, frequent incidents of discrimination are still unfortunately being reported and are not always being adequately countered.

According to data gathered by [surveys](#) conducted by the European Fundamental Rights Agency (FRA), almost one-half of the people interviewed in the groups mentioned above declare that they have been victims of discrimination or harassment.

The Treaty on the Functioning of the European Union lays down specific provisions enabling the Union to take appropriate steps to counter discrimination based on gender, race or ethnic origin, religion or personal convictions, disabilities, age or sexual orientation.

The principle that discrimination must be outlawed is also enshrined in the [Charter of Fundamental Rights](#) which offers an even broader definition of it.

Similar measures are also enshrined in the [European Convention on Human Rights](#).

Over the years, the principles enacted in EU primary legislation have only been partially implemented in terms both of legislative acts (such as the two directives in 2000 on equal treatment in terms of employment, occupation and vocational training, and on equal treatment between persons irrespective of racial or ethnic origin), and with regard to providing financial support for projects designed to analyse discrimination, raise public awareness, and inform and educate the individuals concerned.

There is still a long, and arduous, road ahead before Europe will be free of the various forms of discrimination that currently exist, as evidenced from the difficulties encountered in the process of adopting the [proposal for a horizontal anti-discrimination directive](#) designed to broaden protection against discrimination



on the grounds of religion or belief, disability, age or sexual orientation outside the labour market presented by the European Commission on 2 July, 2008.

In view of the foregoing, it is proposed that consideration be given to:

- a) The possibility of introducing penalties, or alternatively, incentives and other measures such as training and education to achieve concrete results in the matter overcoming discrimination;
- b) Appraising the adequacy of the initiatives and strategies already implemented by the European Union for eradicating the most odious forms of discrimination, without prejudice to the need to ensure that the latest proposals of the European Commission be promptly adopted and brought into force;
- c) Identifying the best practices to combat discrimination in European Union countries and assessing whether they could be used as benchmarks to be implemented in the European Union as a whole.