



# Conditions Created for and by Equality Bodies

Niall Crowley



# Presentation

- Content
  - Institutional Architecture
  - Independence
  - Effectiveness
  - Accessibility
  - Stakeholder Engagement
- Offers a benchmark of current situation vis a vis key elements in the European Commission Recommendation
- Include figures but focus on issues in this presentation



# Thematic Review

- Purpose
  - Assess nature and quality of conditions created **for** equality bodies
  - Assess nature and quality of conditions created **by** the equality bodies
- 43 equality bodies in 31 countries
- High levels of recent institutional change



# Institutional Architecture



# Multi-Mandate Bodies – Some Figures

- Ongoing change evident with 14 multi-mandate bodies
  - 4 with equality, human rights and ombudsman office mandates
  - 6 with equality and human rights mandates
  - 4 with equality and ombudsman office mandates



# Multi-Mandate Bodies

- Active management of mandates required for effective and visible equality mandate
  - No active management in 7 bodies
- Active management evident is silo-based with separate staff units in bodies
- Good practice: where this is combined with dedicated leadership and specific reporting




# Functions of Equality Bodies – Some Figures

- Required functions tend to be provided, enabling strategic mix of activities
- 19 bodies with promotion & prevention, support & litigation and decision-making functions
- 17 bodies with promotion & prevention, and support & litigation functions
- 4 bodies with decision-making function
- 2 bodies with promotion & prevention and decision-making functions





# Functions of Equality Bodies

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- Tension for equality bodies holding a decision-making function along with other functions
    - Limitations in provision of advice to complainants
    - Competition for resources between functions
  - Good practice: locating decision-making functions in a separate equality body, or mitigating tension with separate support unit



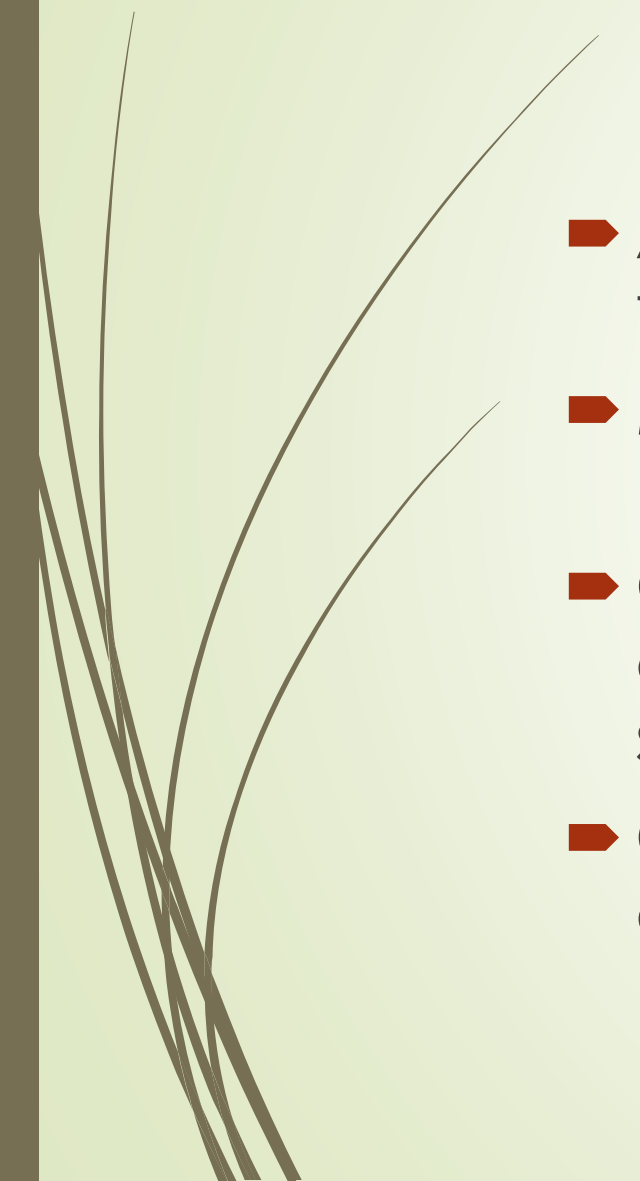


# Multi-Ground Equality Bodies – Some Figures

- Tendency for equality bodies to be multi-ground
- 33 multi-ground bodies
  - Many go beyond the Article 19 grounds, some with an open list (10)
  - Good practice: socio-economic status (13), political opinion (13), and trans ground (9)
- 10 single-ground bodies
  - Gender (7), racial/ethnic origin (2), disability (1)



# Multi-Ground Equality Bodies

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- Active management of grounds required for visibility for and action relevant to each ground
  - Most bodies give adequate attention to all grounds but mainly reactive & limited active management
  - Good practice: regular audits, recruit specific competence & allocate specific staff, and internal structures
  - Combination of single-ground, joined-up grounds, and intersectional work




Independence



# Independence



- Legal status: 31 bodies have their own legal personality but 10 form part of government ministry
- Appointments: 13 bodies appointed by Parliament but 20 appointed by government
  - Issues for 7 bodies with ex-officio appointments from other organisations



# Independence & Effectiveness:

## Independence

- Accountability: 13 bodies accountable to Parliament but 18 to Government or President
  - Good practice: 8 bodies have no formal accountability identified or accountable solely to state audit authorities
- 6 incidents of political interference reported
- Leadership of bodies is central but no focus on quality and competence



Effectiveness



# Effectiveness

- Variety in the resource levels for bodies but few have adequacy to make a real impact
  - 17 bodies do not or cannot deploy all their competences under each of their functions
  - 16 bodies with recent increased staffing and/or budget but 11 had a budget decrease with 3 of these disproportionate
  - No information on 7 bodies





# Effectiveness

- Competences
  - 19 bodies with decision-making function cannot issue legally binding decisions and/or impose sanctions
  - 17 bodies do not have legal standing to take cases of discrimination or act as amicus curiae
  - Only 14 bodies supported good practice
  - Good practice: 10 bodies act on equality duties
- Only 14 bodies have engaged in strategic planning and only 10 bodies have engaged in evaluation



# Accessibility



# Accessibility



## ➤ Location

- 35 bodies have accessibly located premises
- Only 11 bodies in 10 countries have local offices
- 6 bodies have a local presence through other entities
- 10 bodies have no outreach activities

## ➤ Procedures


- Few have systematic approaches to accommodate diversity, but 28 bodies have some form of procedure



# Stakeholders



# Wider Institutional Infrastructure

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- Bodies face challenges to establish appropriate place within institutions involved in the achievement of equality and pathways for access to justice
    - Interpretation of independence; lack of human resources; & limited interest from public bodies
    - Lack of legal powers; collaboration and cross-referral; legal standing issues and support to complainants




# Civil Society

- Engagement of civil society by bodies tends to be informal
- Only 12 bodies have formal engagement with stakeholders
  - Joint initiatives; inclusion in deliberations of bodies; and serving as hub for interaction



# Conclusion

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- Potential of equality bodies clear, actual impact difficult to assess, barriers identified suggest potential still to be reached
  - Standards from the European Commission and ECRI of the Council of Europe offer a new foundation and starting point
  - Action required at European, Member State and equality body level to build on this





# Implementing the European Commission Recommendation

- Promote EU level dialogue on and the building of a shared understanding of the standard
- Explore monitoring and support systems for EU level
- Agree template for establishing adequacy of funding
- Formal review of the conditions created for the equality body at Member State level



# Implementing the European Commission Recommendation

- Examination of and recommendation on the conditions created for the equality body by the equality body
  - Open and participative assessment of the internal operations of the equality body by the equality body
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