



Proposed amendments to directives on standards for equality bodies

European Disability Forum

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EDF's Proposed amendments to the proposed Directive on standards for equality bodies

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Table of Contents

Table of Contents	2
Introduction.....	2
Executive Summary	3
Proposed amendments to Proposal for a Directive of the European Parliament and of the Council on standards for equality bodies.....	3
Article 11: Access, accessibility and reasonable accommodation	3
Recitals	4
Proposed amendments to Proposal for a Council Directive on standards for equality bodies.....	6
Article 11: Access, accessibility and reasonable accommodation	6
Recitals	7
Document credits	9

Introduction

This document presents amendments to the **proposed Directives on standards for equality bodies**:

- Proposal for a Directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation ([COM\(2022\)0688](#))
- Proposal for a Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services ([COM\(2022\)0689](#))

They should be read along with [EDF recommendations on equality bodies](#).

The European Disability Forum

The European Disability Forum (EDF) is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Executive Summary

The European Disability Forum welcomes the Commission's proposals of directives on standards for equality bodies.

Equality bodies play an important role to support victims of discrimination, as well as to raise awareness and undertake research on discrimination. This is particularly true for discrimination based on disability. However, not all equality bodies are adequately equipped to combat discrimination and to support victims. Some persons with disabilities who are victims of discrimination may face more difficulties in receiving support from equality bodies depending on the scope of their mandate their resources, and their expertise on disability matters, as well as their level of accessibility and support for persons with disabilities.

Binding standards on equality bodies are necessary to ensure that the role of equality bodies is harmonised in the EU and that all victims of discrimination receive adequate support. Such harmonisation can also help strengthen the anti-discrimination legal system and focus on outcomes, while taking into account the diversity of equality bodies.

EDF strongly support the proposals of the Commission, and proposes amendments on:

- Clarifying the provisions on accessibility for persons with disabilities by referring to [Directive \(EU\) 2019/882](#) – the European Accessibility Act, which includes a set of accessibility requirements applicable by the equality bodies (e.g. information, communication tools, built environment, websites and other mobile-based applications, etc.).
- Addressing multiple and intersectional forms of discrimination faced by persons with disabilities in line with article 5 of the UN Convention on the Rights of Persons with Disabilities

Proposed amendments to Proposal for a Directive of the European Parliament and of the Council on standards for equality bodies

Article 11: Access, accessibility and reasonable accommodation

Commission proposal	Proposed amendments
1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all and	1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all and

<p>ensure that there are no barriers to submission of complaints.</p> <p>2. Member States shall ensure that equality bodies provide all their services at no cost to complainants, throughout their territory, including in rural and remote areas.</p> <p>3. Member States shall ensure accessibility and provide reasonable accommodation for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint handling, amicable settlement mechanisms, information and publications, and prevention, promotion and awareness-raising activities.</p>	<p>ensure that there are no barriers to submission of complaints.</p> <p>2. Member States shall ensure that equality bodies provide all their services at no cost to complainants, throughout their territory, including in rural and remote areas.</p> <p>3. Member States shall ensure accessibility, including in accordance with Directive (EU) 2019/882, and provide reasonable accommodation for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint submission and handling, amicable settlement mechanisms, information and publications, and prevention, promotion and awareness-raising activities.</p>
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Justification:

To ensure better accessibility for persons with disabilities Member States shall ensure that the materials, procedures, information, communication, facilities and websites and other IT tools of equality bodies comply with accessibility requirements set out in [Directive \(EU\) 2019/882](#) – the European Accessibility Act. This is particularly important to ensure victims of discrimination with disabilities can receive accessible information, submit complaints through the different means available and communicate effectively with the equality body.

Recitals

Commission proposal	Proposed amendments
(15) In promoting equal treatment, preventing discrimination and assisting victims of discrimination, equality bodies should pay particular attention to discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC, 2004/113/EC, 2006/54/EC and 2010/41/EU.	(15) In promoting equal treatment, preventing discrimination and assisting victims of discrimination, equality bodies should pay particular attention to discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC, 2004/113/EC, 2006/54/EC and 2010/41/EU or based on the intersection between those grounds.
(19) Automated systems, including artificial intelligence, represent a useful	(19) Automated systems, including artificial intelligence, represent a useful tool to

<p>tool to identify discrimination patterns, but algorithmic discrimination is also a risk. Equality bodies should therefore have access to qualified staff or services, able to use automated systems for their work on the one hand and to assess them as regards their compliance with non-discrimination rules on the other hand. Particular attention should be devoted to equipping equality bodies with appropriate digital resources, be it directly or by way of subcontracting.</p>	<p>identify discrimination patterns, but algorithmic discrimination is also a risk. Equality bodies should therefore have access to qualified staff or services, able to use automated systems for their work on the one hand and to assess them as regards their compliance with non-discrimination rules on the other hand. Particular attention should be devoted to equipping equality bodies with appropriate digital resources, be it directly or by way of subcontracting. Automated systems should comply with accessibility requirements for persons with disabilities in accordance with Annex I of Directive (EU) 2019/882.</p>
<p>(37) The Union and all Member States are parties to the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which includes the obligation to prohibit discrimination on the basis of disability and to guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. This Directive should be interpreted in a manner consistent with the UNCRPD. To guarantee equal and effective legal protection and access for persons with disabilities to all services and activities of equality bodies, it is necessary to ensure accessibility, in accordance with requirements set out in Directive (EU) 2019/882, and reasonable accommodation. Equality bodies should ensure physical and digital accessibility by preventing and removing the barriers that persons with disabilities may face in accessing their services and information, and provide reasonable accommodation, taking necessary and appropriate modification and adjustments where needed in a particular case.</p>	<p>(38) The Union and all Member States are parties to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) which includes the obligation to prohibit discrimination on the basis of disability and to guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. This Directive should be interpreted in a manner consistent with the UNCRPD. To guarantee equal and effective legal protection and access for persons with disabilities to all services and activities of equality bodies, it is necessary to ensure accessibility, in accordance with requirements set out in Directive (EU)2019/882, and reasonable accommodation. Equality bodies should ensure physical and digital accessibility by preventing and removing the barriers that persons with disabilities may face in accessing their services and information, and provide reasonable accommodation, taking necessary and appropriate modification and adjustments where needed in a particular case. Under their mandate, equality bodies should cover all forms of discrimination faced by persons with disabilities in line with the UNCRPD, including direct and indirect</p>

	<i>discrimination, denial of reasonable accommodation, discrimination by association, harassment, instruction to discriminate, as well as victimization and hate speech.</i>
<p>Justification:</p> <p>The proposed amendments increase compliance with the UNCRPD by highlighting forms of discrimination that can be addressed by equality bodies such as intersectional forms of discrimination but also denial of reasonable accommodation, discrimination by association, etc. in line with article 5 UNCRPD.</p> <p>We also demand to ensure accessibility in the use of automated systems referred to in paragraph 19, in line with article 9 UNCRPD and EDF's demands under the AI Act.</p>	

Proposed amendments to Proposal for a Council Directive on standards for equality bodies

Article 11: Access, accessibility and reasonable accommodation

Commission proposal	Proposed amendments
<p>1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all and ensure that there are no barriers to submission of complaints.</p> <p>2. Member States shall ensure that equality bodies provide all their services at no cost to complainants, throughout their territory, including in rural and remote areas.</p> <p>3. Member States shall ensure accessibility and provide reasonable accommodation for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint handling, amicable settlement mechanisms, information and publications, and prevention, promotion and awareness-raising activities.</p>	<p>1. Member States shall guarantee access to equality bodies' services and publications on an equal basis for all and ensure that there are no barriers to submission of complaints.</p> <p>2. Member States shall ensure that equality bodies provide all their services at no cost to complainants, throughout their territory, including in rural and remote areas.</p> <p>3. Member States shall ensure accessibility including, <i>including in accordance with Directive (EU) 2019/882</i>, and provide reasonable accommodation for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint <i>submission and</i> handling, amicable settlement mechanisms, information and</p>

	publications, and prevention, promotion and awareness-raising activities.
Justification:	
To ensure better accessibility for persons with disabilities Member States shall ensure that the materials, procedures, information, communication, facilities and websites and other IT tools of equality bodies comply with accessibility requirements set out in Directive (EU) 2019/882 – the European Accessibility Act. This is particularly important to ensure victims of discrimination with disabilities can receive accessible information, submit complaints through the different means available and communicate effectively with the equality body.	

Recitals

Commission proposal	Proposed amendments
(16) In promoting equal treatment, preventing discrimination and assisting victims of discrimination, equality bodies should pay particular attention to discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC.	(16) In promoting equal treatment, preventing discrimination and assisting victims of discrimination, equality bodies should pay particular attention to discrimination based on several of the grounds protected by Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC or based on the intersection between those grounds.
(20) Automated systems, including artificial intelligence, represent a useful tool to identify discrimination patterns, but algorithmic discrimination is also a risk. Equality bodies should therefore have access to qualified staff or services, able to use automated systems for their work on the one hand and to assess them as regards their compliance with non-discrimination rules on the other hand. Particular attention should be devoted to equipping equality bodies with appropriate digital resources, be it directly or by way of subcontracting.	(20) Automated systems, including artificial intelligence, represent a useful tool to identify discrimination patterns, but algorithmic discrimination is also a risk. Equality bodies should therefore have access to qualified staff or services, able to use automated systems for their work on the one hand and to assess them as regards their compliance with non-discrimination rules on the other hand. Particular attention should be devoted to equipping equality bodies with appropriate digital resources, be it directly or by way of subcontracting. Automated systems should include accessibility requirements for persons with disabilities in accordance with Annex I of Directive (EU) 2019/882.
(38) The Union and all Member States are parties to the UN Convention on the Rights of Persons with Disabilities	(38) The Union and all Member States are parties to the UN Convention on the Rights of Persons with Disabilities (UNCRPD)

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Justification:

The proposed amendments increase compliance with the UNCRPD by highlighting forms of discrimination that can be addressed by equality bodies such as intersectional forms of discrimination but also denial of reasonable accommodation, discrimination by association, etc. in line with article 5 UNCRPD.

We also demand to ensure accessibility in the use of automated systems referred to in paragraph 20, in line with article 9 UNCRPD and [EDF's demands under the AI Act](#).

Document credits

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