Guide to filling out European Commission Equality Bodies Public Consultation Questionnaire

January 2022

The European Commission has recently launched a consultation on strengthening national equality bodies in the EU, with a deadline of 18 March 2022 CET.

Equality bodies are independent national public institutions whose goal it is to help victims of discrimination and promote equality. All EU Member States have to have at least one equality body. However, legislation, mandates, and capacities of equality bodies in different Member States are very different from one another. Not all address discrimination based on sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), and even where they do, how this is implemented varies across Member States.

It is important that we have strong equality bodies. They have a lot of potential for informing LGBTIQ people of their rights and acting when these rights have been infringed upon. Equality bodies can issue recommendations, educate authorities or employers on rights, and some can take legal action and directly advocate for stronger anti-discrimination law.

Therefore, TGEU, ILGA Europe, OII Europe, NELFA, EL*C, and IGLYO think it is important for our members, as well as other LGBTIQ organisations and people, to respond to this consultation. Your voices are important to make it clear that discrimination against LGBTIQ people exists and that stronger equality bodies, with mandates inclusive of discrimination based on SOGIESC, is needed.

For now, the plan of the European Commission is to include sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation as grounds of discrimination in the new legislation. Despite this, we cannot be sure that sexual orientation will end up in the final legislation, and gender identity, gender expression, and sex characteristics are currently not being considered.

Even though only these limited grounds are being considered, the growing attention to trans and intersex fundamental rights at EU level means that equality bodies need to find a way to ensure that trans and intersex people are fully protected.

To help as many LGBTIQ people participate in this consultation as possible, we have created the below guidance to help you to respond to the consultation. There are multiple options to fill out the consultation, the most relevant for us are:
• as an NGO, which asks about your knowledge of your national equality body/bodies and the services they provide, or
• as an EU citizen, in which case you can mention your experience with discrimination, and your knowledge of your national equality body.

If your organisation has some experience with or knowledge of your national equality body then this is helpful, but not essential. We need a lot of answers from our community, so we encourage you to share information about this submission with your members. Answers can be provided in all EU languages, and they can relate to personal experience of discrimination. If people answering are not aware of the services of your equality body, this statement is, in itself, very useful.

If you’re unsure what equality bodies exist in your country, you can check Equinet’s directory here. For examples of best practices from equality bodies in relation to combatting discrimination against trans and intersex people, you can check Equinet’s paper on this here.

After the questionnaire deadline of 18 March 2022 CET, we will reach out to Members of the European Parliament to emphasise the need for the explicit inclusion of gender identity, gender expression, and sex characteristics in the new legislation. The draft proposal for law is scheduled for September 2022. If anyone would like to be kept up to date with this, please let us know.

Guide for filling out the consultation

Note: participating in the public consultation requires registering with the EU Commission. Anyone can register. If you face difficulties with registration, please feel free to reach out to francesca@tgeu.org.

Below you will find suggestions for answering the questions. If you are answering as an NGO you would answer the ‘NGO’ questions plus the ‘all respondents’ questions. If you are answering as an EU citizen you would answer the ‘EU citizen’ questions plus the ‘all respondents’ questions.

NGO

Please specify the precise name of the equality body(ies)

This is the equality body or bodies in your home Member State that you will answer the following questions about.

How would you assess the quality of the following services provided by the national equality body(ies) (if you have used that service or know it)?
Here you answer for each service what your experience has been; it’s also fine to answer ‘I don’t know’. You can select ‘other’ and then add any other services that you have come in contact with and how well they met your needs in the space below the table.

**In your opinion, does/do the national equality body(ies) adequately cover the following grounds of discrimination and areas of life?**

Here you can answer to the best of your knowledge and experience about each of the grounds and areas of life listed there. In regard to the grounds (first seven lines of the first column), it will be very useful if you also tick ‘other’ and add ‘gender identity and gender expression’ and/or ‘sex characteristics’ in the ‘please specify’ box below along with an assessment of how you think your national equality bodies cover these grounds. We want the European Commission to be reminded from as many people and organisations as possible that these grounds are important and need to be addressed by Equality Bodies.

**In case the national equality body(ies) has the power to issue sanctions, in your opinion are these sanctions adequate and properly enforced?**

Answer this to the best of your ability about your national equality body/bodies.

**How would you rate the following aspects of the national equality body(ies)?**

Answer for each of the aspects to the best of your ability, based on your experience or knowledge. It is fine to answer ‘I don’t know’. There is also the option to select ‘other’ and fill in the box below the table with an additional aspect you would like to comment on.

**EU Citizen**

**Do you consider yourself at risk of discrimination on one or several of the following grounds?**

Here it will be most useful if you indicate the grounds that are relevant to you. If more than one ground applies to you, that is, you experience multiple or intersecting discrimination. it is very important that you mention them all.

Notably gender identity, gender expression, and sex characteristics are not listed as options. If these are relevant to you, it will be very helpful to select ‘other’ and add those that are relevant in the text box ‘please specify (if relevant)’.

**Do you consider you have been discriminated against in the past 24 months?**

Here you can mention any experience of discrimination in any area, for example, looking for a job, at work, seeking healthcare, access to education, buying goods or services, reporting a crime.
Are you aware of the existence and services of your national equality body(ies)?

Here you can select what is correct for you.

How would you like to be informed about the services offered by equality bodies?

Here you can select all that are relevant for you.

All respondents

In your opinion, how important is it that Member States establish strong and effective equality bodies to fight discrimination and promote equality?

For the reasons described above, we would recommend answering “very important”.

We strongly suggest that you add in the text box some supporting examples about the experiences of discrimination of the LGBTIQ community in your member state and the need for protection against discrimination. These can be in any area, including employment, healthcare, education, etc.

In your view, how important is it that equality bodies in all EU Member States provide minimum standards of services?

We also recommend answering “very important”.

You can also add some supporting words about the need for minimum standards so that no marginalised group is left behind. With minimum standards, our communities have access to the same quality and type of services and support no matter what Member State they are in. We also think it is essential that minimum standards come with an increase in resources, so that all necessary services can be provided at a minimum standard.

In your opinion, what are essential criteria to guarantee the independence of an equality body?

Here you can select any items you think are relevant. We think that the following are particularly important: a transparent selection procedure of its leadership; the ability to manage its own budget; the ability to recruit and manage its own staff; sufficient resources; an independent legal entity.

Feel free to add any other criteria you think are important.

In your opinion, what would make the services of an equality body accessible to all (including people with disabilities)?

We think all of these are important; feel free to select as many as you consider important (you can also select all of them).
Feel free to add any others that you think are important.

**If binding minimum standards were adopted to strengthen equality bodies and ensure their independence and effectiveness, how would this affect you or your organisation (if at all)?**

Here it would support the arguments for strong legislation if you selected ‘positive’ or ‘very positive’ impact and add further comments.

We think that binding minimum standards on equality bodies would have a positive impact on our organisations, so that our communities have access to the same quality and type of services and support no matter what Member State they are in. With minimum standards we would be better able to support our communities when they experience discrimination.

**Position paper**

If you have any further evidence or information you think is relevant to this public consultation but hasn’t otherwise been mentioned you can upload it here as a document. Any additional information or evidence would support this consultation, but it is optional.