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AN EQUINET PERSPECTIVE

EQUALITY IN THE TIME OF COVID-19: LEARNING FROM EQUALITY BODY INITIATIVES

EQUINET
European Network
of Equality Bodies

Equality in the Time of Covid-19: Learning from Equality Body Initiatives is published by Equinet, European Network of Equality Bodies. Equinet brings together 47 organisations from across Europe which are empowered to counteract discrimination as national equality bodies across the range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation.

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Summary

Equality bodies have been innovative in refocusing their work in the context of the Covid-19 pandemic. Equinet has emphasised how an effective equality infrastructure at European and national levels provides a key framework for an inclusive response to the challenges posed by the Covid-19 pandemic and the subsequent economic recovery required.

Future Perspectives

Equality bodies identify they will need to continue work on challenging and seeking to mitigate unequal impacts of Covid-19 and the policy responses to Covid-19.

Equality bodies emphasise structural discrimination and inequality as a growing priority focus in their work over the next period. This would have a particular focus on education, care provision, healthcare, digitalisation of public services, and access to justice, involving multi-ground issue-based initiatives, including a focus on groups holding multiple protected characteristics.

There is a challenge noted by equality bodies to plan for and pursue their interventions in relation to the economic recovery phase, engaging with the European Structural and Investment Funds (ESIFs), the European Semester, and the Recovery and Resilience facility.

Gender based violence is noted as a continuing priority by those equality bodies with a relevant mandate.

There is an opportunity noted by equality bodies to develop and communicate new narratives on equality as enabling an effective response to crisis and to do so in a manner that responds to the negative discourses that have emerged by engaging greater public support for and involvement in equality and non-discrimination issues.

At a policy level, a shift in perspective is needed from an emergency mindset to one that allows time to plan, predict, and take equality and diversity issues into account. There is a need to:

- further detail the content and drive the implementation of the equality dimensions established in EU policy for an economic recovery and economic resilience, such as the enabling conditions attached to the ESIFs, the horizontal equality principle established for the ESIFs, and the fairness objectives and targets set under the Recovery and Resilience Facility;
- strengthen equal treatment legislation through expanding the grounds covered, in particular with a ground of socio-economic status, and introducing positive duties requiring proactive approaches to equality;
- reinforce the role and competences of equality bodies as foreseen in several EU policy strategies; and
- successfully conclude the EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Policy Foundations

The emerging EU policy context responding to the Covid-19 pandemic provides foundations for this future perspective. This includes policy for economic recovery and to progress the

European Green New Deal, alongside a concern to build a 'Union of equality', strengthening fairness in society, and reinforcing the equality infrastructure.

President von der Leyen[1] in her ***State of Union Address*** identified an aim to '*emerge stronger by creating opportunities for the world of tomorrow and not just building contingencies for the world of yesterday*' and established the centrality of building a 'Union of equality' in this.

The first pillar of the Next Generation EU recovery instrument provides for the ***'Recovery and Resilience Facility'***, one of the main tools for the recovery, which is to support three strands of endeavour across the EU: green transition; digital transition and productivity; and fairness[2]. Fairness is deemed to include preventing growing inequalities and contributing to social and economic cohesion.

Regulations governing the ***European Structural and Investment Funds*** for 2021-2027 require Member States to fulfil enabling conditions, including implementation of the Charter of Fundamental Rights and the UN CRPD alongside strategic policy frameworks for gender equality, social inclusion, and Roma integration.[3]

The ***anti-racism action plan***[4], includes commitments to strengthening the equality infrastructure with a focus on: a comprehensive system of protection against discrimination; assessment of existing legal framework; adoption of the proposed horizontal Directive; legislative framework on Artificial Intelligence to address discrimination risks; potential legislation to strengthen the role of equality bodies; and encouraging Member States to promote legal duties to integrate equality considerations into the day-to-day business of public authorities.

Equality Body Action

The Equinet database on equality body initiatives in responding to the Covid-19 pandemic has tracked the refocusing of the work of equality bodies at national level, generating the learning that has shaped the future perspectives set out above.[5]

This work evidences a disproportionate impact from the Covid-19 pandemic and the responses to it, on specific groups, including: older people; people with a minority racial or ethnic background including, in particular, Roma; women and girls; people with disabilities; children; and LGBTI+ groups. Socio-economic disadvantage emerges as an underpinning vulnerability for all groups.

Lockdowns have exposed women and girls to increased levels of domestic violence. Measures taken have led to isolation for older people. People with disabilities with personal assistants have faced problems to maintain their independence. Living conditions do not allow a capacity to socially distance for: asylum seekers in detention centres, homeless people, Roma people on unofficial settlements, incarcerated persons, and older people or people with disabilities in residential care. Re-organised education systems based on online distance

[1] State of the Union Address by President von der Leyen at European Parliament Plenary, 16 September 2020.
[2] See: Annual Sustainable Growth Strategy 2021, Brussels, 17.9.2020 COM(2020) 575 final, 2020.
[3] Proposal for a Regulations of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial , Strasbourg, COM(2018) 375 final and Annexes.
[4] A Union of equality: EU anti-racism action plan 2020-2025, Brussels, 18.9.2020 COM(2020) 565 final.
[5] The Equinet database can be accessed here.

learning have created barriers for young people without the necessary resources. Police controls and police abuse targeting some groups, in particular Roma and other Black and minority ethnic groups, have been a serious issue. Access to health information has been at issue for groups, including deaf people, people who do not speak the first language of the country, people with intellectual disabilities, and people experiencing digital exclusion.

Introduction

Equality bodies across Europe have moved with some speed and innovation to reorganise and refocus their work in the context of the onset of the Covid-19 pandemic and, subsequently, as a phase of 'living with Covid-19' emerges. In doing so, equality bodies have recognised and responded to new challenges and new opportunities in implementing their mandate to promote equality and combat discrimination in the context of the Covid-19 pandemic and its management, and of the economic difficulties that accompany its effective management[6].

Equinet quickly recognised from the early work of the equality bodies in responding to the onset of the Covid-19 pandemic, that an effective equality infrastructure at European and national levels would provide a key framework for an inclusive response to the challenges posed in managing the Covid-19 pandemic and in engaging in the subsequent economic recovery required. Equinet published a recommendation, emphasising goals of eliminating systemic inequalities and building fair and equal societies grounded on solidarity, to recommend[7]:

- equal treatment legislation be strengthened so as to contribute to achieving substantive equality and addressing discrimination on all grounds in all fields;
- statutory equality duties be provided for in equal treatment legislation that require employers, service providers, educational establishments and healthcare providers to be proactive in promoting equality, accommodating diversity, and eliminating discrimination;
- provisions for the enforcement of equal treatment legislation be enhanced;
- ex-ante equality impact assessment and ex-post monitoring of impact be implemented on policy and programmatic responses to the unfolding economic and social crisis;
- targeted measures be resourced, including positive action measures, to improve the situation and experience of marginalised groups and reduce inequalities; and
- the role, powers, and resources of equality bodies be strengthened.

This perspective builds on this recommendation and seeks to draw further policy and practice learning from the subsequent body of work done by, and future plans of, equality bodies in the context of the Covid-19 pandemic and the economic difficulties resulting. This learning is rooted in current policy directions at EU level. The perspective sets out further directions for equality body practice and European and national policy based on this learning.

The preparation of this perspective involved a review of the Equinet database on equality body responses to the Covid-19 pandemic[8], debate on the work and plans of equality bodies in relation to the Covid-19 pandemic and its impact at the Equinet AGM (16 October 2020), and a meeting of the Equinet policy formation working group. The draft perspective was subject to further scrutiny and development by the policy formation working group and by the Equinet Board.

[6] Equinet has developed a database of the actions taken by Equality Bodies across Europe, which can be accessed here.

[7] Recommendation for a fair and equal Europe: Rebuilding our Societies after Covid-19, Equinet, Brussels, 2020.

[8] The Equinet database can be accessed here.

Emerging EU Policy Context

The emerging EU policy context, inevitably, involves a significant focus on responding to the Covid-19 pandemic. This focus includes action to:

- advance and secure economic recovery;
- progress the European Green New Deal and the goal of a climate neutral continent; as well as
- strengthen the equality infrastructure.

A number of recent developments at EU level illustrate these policy directions and the potential they open up for further action for equality and non-discrimination.

The ***State of the Union Address*** by President von der Leyen[9] set the scene in placing emphasis on the world to be created from the context of the Covid-19 pandemic, expressing the aim to 'emerge stronger by creating opportunities for the world of tomorrow and not just building contingencies for the world of yesterday'. The role of the Next Generation EU recovery instrument in creating such opportunities, and of the Conference on the Future of Europe are noted. An immediate priority is identified on the need to protect lives and livelihoods alongside a commitment to advance a 'Union of equality'.

The ***Annual Sustainable Growth Strategy 2021***[10] picks up the emphasis on economic recovery. It sets out the centrality of the Next Generation EU recovery instrument, within the European Semester, in the EU response to the challenges of economic rebuilding post-Covid-19. The three pillars of Next Generation EU are: support Member States to recover; kick start the economy and help private investment; and learn the lessons from the crisis.

The first pillar includes the ***'Recovery and Resilience Facility'***, which is identified as one of the main tools for the recovery. This new facility will support three strands of endeavour: green transition; digital transition and productivity; and fairness.

Fairness is deemed to encompass preventing growing inequalities, ensuring support from all parts of society, and contributing to social, economic and territorial cohesion. The focus on fairness has a strong labour market focus, but also includes a focus on the European Pillar of Social Rights, and an encouragement to Member States to adopt measures to ensure equal opportunities, inclusive education, fair working conditions, and adequate social protection.

The European Semester and the Recovery and Resilience Facility are linked. Member States must prepare Recovery and Resilience Plans alongside and integrated with their National Reform Programme under the European Semester. Recovery and Resilience Plans will be assessed against relevant Country-Specific Recommendations already made. A broad policy dialogue, including social partners and all relevant stakeholders, is encouraged in developing these plans.

The funds that Member States receive under the Recovery and Resilience Facility come in addition to the funding that they receive under EU cohesion policy and can be combined with

[9] State of the Union Address by President von der Leyen at European Parliament Plenary, 16 September 2020.
[10] Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and social Committee, the Committee of the Regions, and the European Investment Bank, Annual Sustainable Growth Strategy 2021, Brussels, 17.9.2020 COM(2020) 575 final, 2020.

this to ensure consistency and synergies. The Common Provisions Regulation to govern the ***European Structural and Investment Funds (ESIFs)*** for 2021-2027 includes important equality and non-discrimination requirements.[11]

Member States are required to fulfil 'enabling conditions', with detailed fulfilment criteria, in preparing a programme for funding. Those enabling conditions deemed relevant to all ESIF objectives, include:

- implementation of the Charter of Fundamental Rights, with arrangements to verify compliance of funded initiatives with the Charter, and reporting arrangements on compliance (all funds); and
- implementation of the UN CRPD, with a national framework in place for this that includes objectives with measurable goals, data collection, monitoring mechanism, and arrangements for accessibility policy, legislation and standards to be reflected in funded programmes (all funds).

Those enabling conditions with a specific focus on the ESIF objective of Social Europe include having a:

- national strategic policy framework for gender equality in place (ESF+ and ERDF);
- national strategic policy framework for social inclusion and poverty reduction in place (ESF+ and ERDF); and
- national Roma Integration Strategy (NRIS) in place (ESF+).

The most significant development in strengthening the equality infrastructure has been the publication of the ***anti-racism action plan***[12], with commitments to:

- comprehensive system of protection against discrimination: assessment of existing legal framework; adoption of the proposed horizontal Directive; legislative framework on Artificial Intelligence to address discrimination risks; and Member States to be encouraged to promote legal duties to integrate equality considerations into the day-to-day business of public authorities;
- effective enforcement of the legal framework: potential to strengthen the role of equality bodies with new legislation;
- mainstreaming of anti-racism: ensure the fight against discrimination on specific grounds and their intersections is integrated into all EU policies, legislation and funding programmes; EU institutions and national authorities to cooperate on successful mainstreaming tools and practices; and action on equality data collection;
- targeting of the issues: EU funding programmes used to combat racism; NextGenerationEU to support economic and social resilience and social cohesion, with possibilities to foster inclusion of specific groups; and development of national action plans against racism; and
- structures to drive action: EU Task Force on Equality role in equality mainstreaming at European level; appointment of an anti-racism coordinator; regular dialogue with

[11] Article 11 of Proposal for a Regulations of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial , Strasbourg, COM(2018) 375 final and Annexes.

[12] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, A Union of equality: EU anti-racism action plan 2020-2025, Brussels, 18.9.2020 COM(2020) 565 final.

Member States, equality bodies, local level representatives and civil society; and a summit against racism.

The ***EU Roma Strategic Framework for equality, inclusion and participation*** 2020-2030[13] reinforces this emphasis on strengthening the equality infrastructure with its horizontal objectives and targets to: fight and prevent anti-gypsyism and discrimination; reduce poverty and social exclusion, closing the socio-economic gap between Roma and the general population; and promote participation through empowerment, cooperation and trust. This emphasis is strengthened in the proposal for a Council Recommendation[14] that requires measures to be taken by Member States that include to: step up the fight against direct and indirect discrimination, harassment, and stereotyping; and fight multiple and structural discrimination against Roma[15]. The Recommendation is focused on implementation of national strategies that contribute to achieving EU targets, requiring action for adequate data collection, setting of targets and reporting on results.

The ***LGBTIQ Equality Strategy*** 2020-2025 further underpins this emphasis with one of its four pillars focused on tackling discrimination against LGBTIQ people, combined with its concern for enhanced equality mainstreaming.[16] The European Commission again commits to: propose, by 2022, any legislation following on from the upcoming report on the implementation of the Employment Equality Directive, in particular strengthening the role of equality bodies; present an initiative in 2021 to extend the list of 'EU crimes' (Article 83 TFEU) to cover hate crime and hate speech, including when targeted at LGBTIQ people; and call on Member States to ensure legal protection against discrimination on the grounds of sexual orientation, gender identity/expression and sex characteristics in various areas.

Finally, in relation to the equal treatment Directives, the European Commission will report in 2021 on their implementation at Member State level. This report is to include a focus on equality bodies and the implementation of the Commission Recommendation on standards for equality bodies.

[13] Communication from the Commission to the European Parliament and the Council, A Union of Equality: EU Roma strategic framework for equality, inclusion and participation, Brussels, 7.10.2020 COM(2020) 620 final.
[14] Proposal for a Council Recommendation on Roma equality, inclusion and participation, Brussels, 7.10.2020 COM(2020) 621 final.
[15] Equinet published a perspective drawing from the work of equality bodies as a contribution to the development of this EU Strategic Framework: Roma and Traveller Inclusion: Towards a New EU Framework Learning from the Work of Equality Bodies, 2020.
[16] Union of Equality: LGBTIQ Equality Strategy 2020-2025, European Commission, 2020.

Emerging Framework of Equality Body Action

The Equinet database on equality body initiatives in responding to the Covid-19 pandemic reflects a broad framework of activity[17]. This encompasses the core competences afforded to equality bodies:

- ***Legal action***, on grounds including age, disability, racial or ethnic origin; socio-economic disadvantage, health status, nationality, gender, religion or belief, care responsibilities, sexual orientation, and persons deprived of liberty: receiving complaints, making recommendations, and taking own initiative cases to address issues such as:
    - hate speech;
    - harassment;
    - barriers in access to services;
    - access barriers to information;
    - vulnerable situation of particular groups;
    - situation of people in overcrowded residential, congregated care, and incarcerated settings;
    - refusal to accommodate care responsibilities of employees;
    - negative impacts on particular groups of measures responding to Covid-19, where, for example, lockdown requirements lead to isolation or increased risks of violence for specific groups;
    - unequal treatment of groups in responses to Covid-19 by particular entities, where, for example, the policing of restrictions is more intense in relation to specific groups; and
    - exclusion of particular groups from and inaccessibility of new provisions made on foot of Covid-19, where, for example, online provision of services does not address the barriers for specific groups.
- ***Policy advice,*** in relation to issues such as:
    - inaccessibility of public communications and information;
    - inclusive nature of responses to Covid-19, and to economic crisis that are required;
    - policing of Covid-19 restrictions;
    - vulnerable situation of particular groups, the need for specific responses for particular vulnerable groups, and responding to this;
    - situation in residential, congregated, and incarcerated settings;
    - ethical guidance in critical care situations;
    - responses required to domestic violence; and
    - statements on human rights standards to be met.
- ***Communication***, and engagement in public discourse to raise issues such as:
    - need for a rights-based focus;
    - negative or disproportionate impact of the pandemic and of some responses to pandemic on particular groups;
    - inaccessibility for groups of information being provided;
    - stigmatisation of groups; negative public commentary about groups;

[17] The Equinet database can be accessed here.

    - information on rights and about cases of discrimination arising;
    - ethical guidance in critical care situations;
    - domestic violence; and
    - care responsibility issues.
- ***Research***, studies and reports on:
    - impact on vulnerable groups of Covid-19 and the responses made;
    - synthesising available research on equality issues for vulnerable groups in relation to Covid-19; and
    - looking to strengthen human rights in the post-Covid-19 world.

A number of equality bodies, in seeking to progress these issues, are:

- participating in formal structures established by governments to assist in responding effectively to the Covid-19 pandemic;
- acting as hubs to coordinate equality-focused responses to the Covid-19 pandemic and the issues raised by its management;
- monitoring and reporting on media discourse; and
- engaging directly with vulnerable groups to establish their current situation, experience and needs.

At the same time, equality bodies have been reorganising internally to ensure a strategic focus on these issues within their workplans and to underpin an ongoing access to justice for those who experience discrimination.

This work evidences a disproportionate impact from the Covid-19 pandemic and the responses to it, on specific groups, including: older people; people with a minority racial or ethnic background including, in particular, Roma; women and girls; people with disabilities; children; and LGBTI+ groups. These issues can be exacerbated for people at the intersections of these groups. Poverty and socio-economic disadvantage emerge as underpinning vulnerability intersecting for all these groups. Their vulnerability is often income related, based on the sector of the economy worked in and the resources thus available to protect themselves.

Measures taken in response to the Covid-19 pandemic have had particular negative impacts on specific groups. Lockdowns have exposed women and girls to increased levels of domestic violence. Measures taken have led to isolation for older people. There has been a division made in society based on age with an expectation on the over 60s to confine themselves, an expectation based solely on chronological age without taking other individual factors into account. People with disabilities who rely on personal assistants in their own home faced particular problems in maintaining their independence. The living conditions of some groups do not allow a capacity to socially distance: asylum seekers in detention centres; homeless people; Roma people on unofficial settlements; incarcerated persons; and older people or people with disabilities in residential care.

Re-organised education systems based on online distance learning have created barriers for young people who do not have the necessary resources, in terms of space, supports, and equipment, to participate. Particular issues emerge for some people with disabilities and for those people in need of additional supports due to educational disadvantage, and being without proficiency in official languages.

Discrimination in access to services and in the workplace has been at issue. In the workplace, pregnancy related discrimination, access to leave arrangements, and discrimination in dismissals or the organisation of redundancies have been evident. Policing has been at issue with police controls and police abuse targeting some groups, in particular Roma and other people with a minority racial or ethnic background.

Access to health information has been at issue for groups, including deaf people, people who do not speak the first language of the country, people with intellectual disabilities, and people experiencing digital exclusion.

Public discourse has involved scapegoating of groups, in particular people with a minority racial or ethnic background. There has been a significant level of stereotyping, in particular of older people. There has been stigmatisation, in particular of those who contract the virus. Public discourses of racism, homophobia or espousing 'traditional values' to divide have been promoted. In a number of instances, equality bodies highlight how such discourses have been used to cover up for negligent response to Covid-19 by government.

Data deficits in relation to groups exposed to inequality have made it difficult to track, analyse and respond effectively to their particular situations and experiences. Data has not been adequately disaggregated to meet this challenge.

Practice Learning for Equality Bodies

In looking forward, equality bodies identify the need for a key shift in perspective at policy-making level, from an emergency mindset to a mindset that allows time to plan, predict, and take equality and diversity issues into account. Given that one size does not fit all, emergency responses have led to across-the-board measures where restrictive or disproportionately negative impacts are inevitable for groups exposed to discrimination and inequality. Equality bodies seek this shift in mindset, given that in many jurisdictions there has been a failure to move on from emergency responses and their associated mindset.

Equality bodies identify they will, therefore, need to continue their focus on ***challenging and seeking to mitigate unequal impacts of Covid-19 and the policy responses to Covid-19***. This will encompass actions across their various competences to identify and respond to issues of discrimination and unequal treatment for individuals, and of negative and disproportionate impacts on groups covered by equal treatment legislation. Actions will continue to include a focus on issues of employee rights that have emerged in contexts of downsizing and economic difficulties facing businesses.

Gender based violence is noted as a continuing priority by those equality bodies with a mandate that relates to this issue. The increased risk of gender-based violence in lockdown settings and the dangers in being cut off from institutional and social supports have been well documented.

Structural inequalities have been thrown into sharp relief and exacerbated by the Covid-19 pandemic. Equality bodies emphasise structural discrimination and inequality as a growing priority focus in their work over the next period. However, equality bodies have, in some jurisdictions, limited tools and, in most jurisdictions, limited resources to address structural discrimination and inequality.

The role of equality bodies in supporting, monitoring and enforcing positive equality duties on public bodies, provided for in equal treatment legislation, has been important in addressing such issues. However, equality bodies note a failure to implement these duties in emergency responses, and emphasise the need to ensure their implementation in this next phase of the Covid-19 pandemic.

Equality bodies have done work using tools developed for equality duties, such as equality impact assessment, even where such duties do not yet exist in legislation. These tools have been used to assess legislation and policy initiatives from a structural inequality perspective. This has not been easy given the pace at which new legislation and policy initiatives have been introduced in a context of crisis. However, it is important to emphasise that equality impact assessment is a task that must be implemented by the policy-maker as an integral part of the policy-making process. Equality duties on public bodies would underpin this.quality duties on public bodies would underpin this.

The focus by equality bodies on structural inequalities is seen as including a multi-ground issue-based approach to their work, given that a number of the ***key fields where this structural discrimination has been a significant feature*** during the Covid-19 pandemic are experienced by a number of groups. Such fields include:

- education provision, and in particular the shift to blended and online forms of education, which has raised significant issues on the grounds of 'race', age, disability, as well as socio-economic status and its intersections with all the grounds covered;
- care provision, and in particular institutional care models based on congregated settings, which has raised significant issues on grounds of age and disability, but also in terms of access to adequate and appropriate health and social care services for independent living, which raises issues on a wider spectrum of grounds;
- congregated settings, the inequalities they involve, and the risks they pose have also been identified as being at issue in provision for refugees and asylum seekers, the situation of incarcerated persons, and in the living conditions of Roma and Travellers;
- healthcare provision, in particular the demands posed on healthcare systems in the context of the Covid-19 pandemic, which has raised and exacerbated issues on all grounds, particularly in terms of access to services;
- accelerating trends towards the digitalisation of public services and issues of digital inequality and automated decision making using Artificial Intelligence, which have raised significant issues across all grounds; and
- access to justice, with issues due to the slow-down of courts' process in context of lockdown.

There is a challenge identified by equality bodies to review and renew their ***communication strategies***, specifically their interventions in public discourse. Opportunities are noted in developing and communicating new narratives on equality and human rights as enabling government to make good decisions in a time of crisis. It is suggested that such narratives would engage greater public support for and involvement in equality and non-discrimination issues.

New communication strategies, using personal narratives and using values, are needed to underpin effective responses to the negative discourses developed during the pandemic, in particular those used to scapegoat minorities and those used to distract from poor government responses to Covid-19. There is already evidence of animosity towards particular groups and tensions between groups being aggravated by such negative discourses.

Finally, there is a challenge noted by equality bodies to plan for and pursue their ***interventions in relation to the economic recovery phase*** that is now a focus for policy makers. This could usefully involve engagement with:

- the development and implementation of ESIF funded programmes, where equality bodies could play a significant role in monitoring the new enabling conditions established by the European Commission; and
- the European Semester and, in particular Recovery and Resilience Plans and their focus on fairness, where equality bodies could play a significant role in bringing forward key issues of fairness that need to be addressed and in monitoring progress made in this regard.

In many instances, this focus is a new arena for equality bodies that places demands on scarce resources and that requires time to gear up and build internal capacity in terms of staff and know-how.

Policy Learning

The EU policy responses set out above offer a positive context within which to seek an equality focus in further policy development, a focus that equality bodies identify as key for an effective response to the Covid-19 pandemic and to the economic transition out of the difficulties attendant on this.

There is a need to strengthen a focus on the content and implementation of the ***equality dimensions established for an economic recovery*** and for economic resilience. Steps that could usefully be taken, to build on the policy achievements to date, include:

- strictly monitoring the ongoing satisfaction by Member States of the fulfilment criteria for the enabling conditions attached to the ESIFs. Equality bodies could be resourced, through technical assistance funding, and empowered to act as independent guardian and supervisor for the enabling conditions that relate to equality. Equality bodies have demonstrated the potential to contribute in this regard in a number of jurisdictions.
- strictly monitoring the ongoing satisfaction by Member States of the horizontal equality principle in the implementation of the ESIFs, and ensuring adequate systems are in place to ensure gender equality and equal opportunities for all in the programmes implemented.
- establish specific objectives and targets for the fairness strand to the Recovery and Resilience Facility with ring-fenced resources for their achievement. Equality bodies could be resourced and empowered to play a role as independent guardian and supervisor for effective investment and action in reaching such targets.
- take steps to ensure that the Recovery and Resilience Plans of Member States are designed to ensure gender equality and equality opportunities for all, and further reinforce this focus in the preparation of Country Specific Recommendations under the European Semester.

There is a need to ***strengthen equal treatment legislation***, and evident policy-maker interest in this, with a possibility for new European level legislation to be proposed in 2022 noted on foot of commitments made and with reference to the European Commission report on the current legislation. Equinet has already provided detailed recommendations in this regard[18].

The experience of equality bodies over the recent period emphasises three core evolutions required in equal treatment legislation if it is to make its full contribution in managing the Covid-19 pandemic and achieving economic recovery goals:

- the grounds covered in the EU framework need to be expanded. In particular, the ground of socio-economic status has come to the fore in the recent period both in its own right and as an intersecting ground with grounds already covered. The grounds of family care status and health status have also emerged in the work of equality bodies as needing consideration for coverage in equal treatment legislation.
- positive duties requiring proactive approaches by public bodies to advancing equality and eliminating discrimination need to be provided for in equal treatment legislation. Where these duties are provided for, they have provided a useful framework and impetus for responses to the Covid-19 pandemic to respond to the particular situation

[18] Taking Stock: A perspective from the work of equality bodies on: European equality policy strategies, equal treatment Directives, and standards for equality bodies, Equinet, Brussels, 2020.

and experience of vulnerable groups. Equality impact assessment has served as a key tool in this regard in such duties. However, it is important to ensure policy-making and implementation systems are adequate to include for the full and effective implementation of these duties even in a time of crisis.

- provisions need to be included for the role and competences of equality bodies to be strengthened on the basis of the European Commission Recommendation on standards for equality bodies. In the current context, particular provisions are noted as being required to ensure a mandate that encompasses hate speech, and underpin adequate funding for equality bodies to implement all of their functions to the scale and quality required to make an impact.

With the intensification evident in ***gender-based violence*** over the course of the Covid-19 pandemic there is an urgency to successfully conclude the EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention'). The commitment in this regard in the recent gender equality strategy[19] [20] and its speedy implementation is important, including the initiative announced to propose an expansion of the list of Eurocrimes[21] to include specific forms of gender-based violence.

[19] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Union of Equality: Gender Equality Strategy 2020-2025, Brussels, 5.3.2020 COM(2020) 152 final.

[20] Equinet published a policy brief, drawing from the work of equality bodies to contribute to the development of this strategy: The Future Gender Equality Strategy, 2019.

[21] Article 83(1) of the Treaty on the Functioning of the European Union.

EQUINET MEMBER EQUALITY BODIES

ALBANIA
Commissioner for the Protection from Discrimination
www.kmd.al

AUSTRIA
Austrian Disability Ombudsman
www.behindertenanwalt.gv.at

AUSTRIA
Ombud for Equal Treatment
www.gleichbehandlungsanwaltschaft.gv.at

BELGIUM
Institute for the Equality of Women and Men
www.igvm-iefh.belgium.be

BELGIUM
Unia (Interfederal Centre for Equal Opportunities)
www.unia.be

BOSNIA AND HERZEGOVINA
Institution of Human Rights Ombudsman of Bosnia and Herzegovina
www.ombudsmen.gov.ba

BULGARIA
Commission for Protection against Discrimination
www.kzd-nondiscrimination.com

CROATIA
Office of the Ombudsman
www.ombudsman.hr

CROATIA
Ombudsperson for Gender Equality
www.prs.hr

CROATIA
Ombudswoman for Persons with Disabilities
www.posi.hr

CYPRUS
Commissioner for Administration and Human Rights (Ombudsman)
www.ombudsman.gov.cy

CZECH REPUBLIC
Public Defender of Rights
www.ochrance.cz

DENMARK
Danish Institute for Human Rights
www.humanrights.dk

ESTONIA
Gender Equality and Equal Treatment Commissioner
www.volinik.ee

FINLAND
Non-Discrimination Ombudsman
www.syrjinta.fi

FINLAND
Ombudsman for Equality
www.tasa-arvo.fi

FRANCE
Defender of Rights
www.defenseurdesdroits.fr

GEORGIA
Public Defender of Georgia (Ombudsman)
www.ombudsman.ge

GERMANY
Federal Anti-Discrimination Agency
www.antidiskriminierungsstelle.de

GREECE
Greek Ombudsman
www.synigoros.gr

HUNGARY
Office of the Commissioner for Fundamental Rights
www.ajbh.hu

IRELAND
Irish Human Rights and Equality Commission
www.ihrec.ie

ITALY
National Office against Racial Discrimination - UNAR
www.unar.it

KOSOVO*
Ombudsperson Institution
www.oik-rks.org

LATVIA
Office of the Ombudsman
www.tiesibsargs.lv

LITHUANIA
Office of the Equal Opportunities Ombudsperson
www.lygybe.lt

LUXEMBURG
Centre for Equal Treatment
www.cet.lu

MALTA
Commission for the Rights of Persons with Disability
www.crpd.org.mt

MALTA
National Commission for the Promotion of Equality
www.equality.gov.mt

MOLDOVA
Council on Preventing and Eliminating Discrimination and Ensuring Equality
www.egalitate.md

MONTENEGRO
Protector of Human Rights and Freedoms (Ombudsman)
www.ombudsman.co.me

NETHERLANDS
Netherlands Institute for Human Rights
www.mensenrechten.nl

NORTH MACEDONIA
Commission for the Protection against Discrimination
www.kzd.mk

NORWAY
Equality and Anti-Discrimination Ombud
www.ldo.no

POLAND
Commissioner for Human Rights
www.rpo.gov.pl

PORTUGAL
Commission for Citizenship and Gender Equality
www.cig.gov.pt

PORTUGAL
Commission for Equality in Labour and Employment
www.cite.gov.pt

PORTUGAL
High Commission for Migration
www.acm.gov.pt

ROMANIA
National Council for Combating Discrimination
www.cncd.org.ro

SERBIA
Commissioner for Protection of Equality
www.ravnopravnost.gov.rs

SLOVAKIA
Slovak National Centre for Human Rights
www.snslp.sk

SLOVENIA
Advocate of the Principle of Equality
www.zagovornik.si

SPAIN
Council for the Elimination of Ethnic or Racial Discrimination
www.igualdadynodiscriminacion.msssi.es

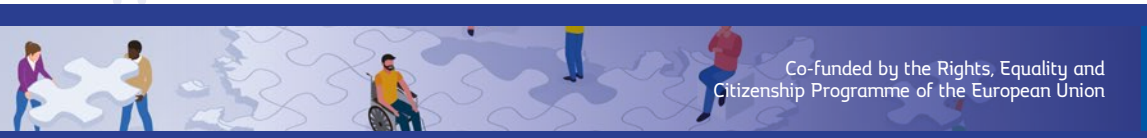
SPAIN
Institute of Women and for Equal Opportunities
www.inmujer.es

SWEDEN
Equality Ombudsman
www.do.se

UNITED KINGDOM - GREAT BRITAIN
Equality and Human Rights Commission
www.equalityhumanrights.com

UNITED KINGDOM - NORTHERN IRELAND
Equality Commission for Northern Ireland
www.equalityni.org

** This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.*



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