



OPINION PIECE

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President Barroso, time to show leadership on equality!

At a moment when the world is celebrating International Day Against Racism on 21st March, commemorating the killing of 69 Black demonstrators at a peaceful protest against apartheid laws in Sharpeville, South Africa, in 1960, the time is certainly opportune to reflect on how the European Union is taking forward its commitment to combat all forms of discrimination.

In 2004, the President of the European Commission Mr. Barroso publicly announced that he would initiate work in view of a framework directive that would cover “all forms of discrimination”.¹ It seems right to further reflect on the potential of that promise.

The European Commission engaged last year in a comprehensive review with the aim of proposing further legislation on anti-discrimination to achieve full equality in law, regardless of race, age, religion or belief, sexual orientation, disability or gender. But as the time has come to make real the EU’s fundamental principles of equality and non-discrimination, the voice of the EU seems to become increasingly blurred. Mixed messages have been coming out of the European Commission on who exactly will be covered. Will there be four discrimination grounds included, five, or only one? Sometimes it is religion that will be excluded, other times sexual orientation, most recently it is rumoured that it will be all except disability.

Has Mr. Barroso forgotten his earlier commitments? The EU has already achieved much in the field of non-discrimination, but not all discrimination grounds are legally protected in the same way at European or national level and significant gaps in protection remain. If you are Muslim, disabled, old, or lesbian, you can still be discriminated against in education or refused access to healthcare or housing. For people with multilayered identities such as a gay Christian wanting a good education or a disabled Black woman, the gaps are even wider.

The EU Council has called for Member States and the European Commission to not only ensure existing anti-discrimination laws are effective, but also to strengthen efforts to prevent and combat discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation, inside and outside the labour market and to take full account of multiple discrimination when designing laws². The European Parliament itself has repeatedly called for legislation to ‘level up’ protection across all grounds of discrimination.³ These political commitments and demands have contributed to the stated aim of the European Commission to

¹ President Barroso speech to the European Parliament at the beginning of his mandate in 2004: “initiate work in view of a framework-directive on the basis of Article 13 of the EC Treaty, which will replace the directives adopted in 2000 and enlarge them to all forms of discrimination. (...) Let me be very clear: I will personally ensure full control of our action in the fight against discrimination and the promotion of fundamental rights.”

² EU Council Resolution on the Follow-up of the European Year of Equal Opportunities for All (2007), Brussels, 26 November 2007

³ European Parliament Resolution on the Framework Directive on Equality in employment, October 2000

bring forward legislation which will ensure that discrimination is prohibited on all grounds in access to goods and services, such as education, housing and health, so as to achieve this necessary harmonisation and 'levelling up' of protection. Such a proposal should not result in trading off one ground, say sexual orientation or religion, against another, in this case disability, but should cover *all* discrimination grounds. Leaving some of them aside goes against the very essence of Mr. Barroso's and Member States' commitment.

Why does ENAR advocate for protection against religious discrimination? Discrimination against religious minorities throughout the EU has been steadily increasing, including extremely worrying trends in relation to Islamophobia and anti-Semitism. These manifestations reflect an increasing overlap between racial and religious discrimination. Racism is not limited to discrimination based on the ethnic or racial origin of a person but also on the basis of all aspects of an individual's or community's culture or identity, including religion or belief. Discrimination on the grounds of convictions or belief is often inextricably linked to racism and racial prejudice; frequently it is not possible to distinguish between these forms of oppression.

Thus the lack of comprehensive protection against religious discrimination leads to a lack of protection against racial discrimination as convictions are often used to justify racial discrimination or to obscure racist motivations.

Protection against religious discrimination is all the more important in a post 9/11 context, where the heightened security concerns have led to a 'racialisation' of the security agenda. Terminology such as 'Islamic terrorism' has led to a growing perception that there is somehow an inherent link between Islam and terrorism - leading to a disproportionate impact of counter-terror measures on Muslim communities and individuals, or perceived as Muslims. In this context, anti-racism strategies can serve to support the fight against terrorism by preventing with effective legal measures discrimination potentially leading to violent radicalisation.

21st of March is an opportunity to recall the need to provide protection against all types of discrimination. It is only by fighting for comprehensive protection against all grounds of discrimination that we will achieve equal opportunities for all in jobs, accommodation, schools, etc. The proposal which is currently in the pipeline *cannot* result in yet another missed opportunity for protecting Europe's numerous and multi-faceted victims of discrimination. The commitment to legislation that can seize this opportunity is there, it is in these victims' name that we now need the political leadership and clarity of intentions to see it happen.

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