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Combating multiple discrimination

Press release

Discrimination doesn't occur only in employment but also in access to goods and services such as banking, education, transport and health. A directive aiming to guarantee equal treatment in these areas was backed on Monday by the EP Civil Liberties Committee, which particularly highlighted the need to tackle multiple discrimination.

The directive put forward by the European Commission is intended to reduce discrimination on grounds of religion or belief, age, gender or sexual orientation, whether direct or indirect, and whether based on real or presumed criteria. It comes on top of three other directives: one on discrimination based on racial or ethnic origin, both within and outside the labour market, one on discrimination on the labour market and one on equal treatment between men and women. All these goals were reaffirmed by members of the Civil Liberties Committee when they adopted a consultation report by Kathalijne Buitenweg (Greens/EFA, NL).

The directive will apply to social protection and health care, social benefits, education and access to goods and services, including housing. MEPs would like it to apply to access to transport as well. However, they say transactions between private individuals outside professional and commercial activities should be excluded.

The committee also believes the directive should cover multiple discrimination, based on two or more grounds, as well as discrimination by association. However, special arrangements should apply to small firms, for which the rules could be a burden.

No impact on matrimonial law or the secular state

MEPs stress that the directive does not impinge on the separation of powers between the European Union and its Member States nor does it affect national law on marriage, the family and health. Member States retain responsibility for the organisation and content of education. National laws on the secular nature of the state are not affected, nor are differences of treatment based on nationality. Member States are not precluded from taking steps to prevent or compensate for disadvantages (such as positive action or quotas) or from allowing such measures to be taken by the public, private or voluntary sectors.

Harassment is discrimination

Under the directive, harassment - where unwanted conduct takes place with the effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment - must be deemed a form of discrimination. MEPs stress that the concept of harassment must be defined in accordance with national law and the practices of Member States.

Improving arrangements for the disabled

The directive bans discrimination on grounds of disability - as understood in the definition by the United Nations - in access to social protection, social benefits, health care, education and goods and services. MEPs want it also to cover transport, telecommunications, information, financial services, culture and leisure. Efforts at "reasonable accommodation" of the needs

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of people with disabilities (for example wheelchair access to buildings) must be made or alternative solutions found where appropriate. However, such measures must not impose a "disproportionate burden" nor require a fundamental change in the nature of the goods and services in question.

Some differences of treatment must be tolerated

Member States may allow some differences of treatment, such as in access to education provided by religious bodies, provided these differences are necessary and proportionate and do not in themselves result in a denial of the right to education.

Risk factors related to disability and age used in the insurance and banking industries should not be regarded as discrimination if they are shown to be directly determining factors for the assessment of risk. However, MEPs call for service providers to demonstrate the risks precisely.

In addition, say MEPs, differences of treatment on grounds of age may be accepted if legitimate, for example in the sale of alcohol, weapons or the granting of driving licences. But young people with disabilities must also have access to favourable terms and conditions such as free or reduced tariffs for the use of public transport, museums or sport facilities.

N.B. :

Result of committee vote: 34 in favour, 7 against, 4 abstentions -- Procedure: Consultation -- Plenary vote: Session of 1-2 April (Brussels)

Contact :

Baptiste Châtain

Press service

BXL: (32-2) 28 40992

PORT: (32) 498.983.590

EMAIL: libe-press@europarl.europa.eu