The Committee will meet at 10.00 am in Committee Room 1.

1. **Decision on taking business in private:** The Committee will consider whether to take item 4 in private.

2. **2007 - European Year of Equal Opportunities for All:** The Committee will consider the report of the Convener’s visit to Berlin to attend the launch conference of the European Year of Equal Opportunities for All.

3. **Commission for Equality and Human Rights:** The Committee will consider correspondence from the Equalities Coordinating Group.

4. **Legacy paper:** The Committee will consider a draft legacy paper.

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The following papers are attached:

**Agenda Item 2**

Report of Convener’s visit to Berlin for the launch conference of the European Year of Equal Opportunities for All

*Eurobarometer Survey, Discrimination in the European Union*

**Agenda Item 3**

Correspondence from the Equalities Coordinating Group

**Agenda Item 3**

Draft legacy paper
Purpose

1. The purpose of this paper is to provide a report of the Convener’s attendance at the launch of the ‘European Year of Equal Opportunities for All’ which took place in Berlin on 30/31 January 2007.

Background

2. The European Commission has designated 2007 as ‘European Year of Equal Opportunities for All’ (EYEOA). EYEOA has three key aims and four themes. The key aims are—

   • making European Union citizens aware of their right to non-discrimination and equal treatment;
   • promoting equal opportunities for all – access to employment, education, in the workplace or in the healthcare sector; and
   • promoting the benefits of diversity for the European Union.

3. The four themes are: rights, representation, recognition and respect.

4. The year is open to the 27 EU Member States, plus Iceland, Liechtenstein and Norway. In order to coordinate activities at national level, each participating country is required to nominate a national implementing body. The Commission for Equality and Human Rights (CEHR) has been designated as the national implementing body for the United Kingdom, although there is as yet no information available on the specific activities and projects to be carried out in the UK. It is understood that no announcement is to be made on activities in Scotland during the EYEOA until after the forthcoming Scottish parliamentary elections.

5. Members agreed at their meeting on 19 September 2006, when discussing the Committee’s work programme, that the clerks should monitor the plans and activities for EYEOA and bring forward an approach paper suggesting appropriate action for the Committee.

6. At its meeting on 3 October 2006, the Equal Opportunities Committee agreed that the Convener should attend the conference in Berlin which marks the launch of the European Year of Equal Opportunities for All. She was accompanied to the conference by the Clerk to the Committee.
Conference opening

7. The conference was opened by Ursula von der Leyen, German Federal Minister for Family Affairs. She highlighted the main equalities issues faced by Germany and related these to the situation across Europe. She made the following points:

- the strength of Europe is in its variety, which creates prosperity and social cohesion - an important message in terms of how the equalities agenda might be progressed
- it is not enough just to say that everyone should be equal - action must be taken in areas where there is clearly a greater level of discrimination.
- the elimination of negative attitudes and behaviour is more important than legislation in tackling inequality
- diversity and variety must be viewed as an opportunity to balance and counter demographic change
- large numbers of immigrants have provided a huge opportunity for Germany
- progress on gender equality has been made, but there is still work to be done, particularly in relation to the “glass ceiling” with regard to careers and equal pay
- further progress is necessary on equal participation in work and family life – childcare and caring still primarily roles carried out by women.

8. In his address, Dr Vladimir Špidla, EU Commissioner for Employment, Social Affairs and Equal Opportunities, said that although understanding of equalities issues has progressed massively in recent decades, the EU legal framework still does not provide comprehensive protection from discrimination. In his view, the priorities of the European Year should be to provide people with more information on their rights; identify gaps in legislative provision; and promote the advantages of diversity. Dr Špidla said that although this was the first EU Equality Summit, he anticipated that a similar event would be held every year.

Eurobarometer on Discrimination

9. A very interesting presentation was given on the results of the European Commission’s Eurobarometer survey of the views of European citizens on discrimination in the European Union. A summary of the survey has been provided with the Committee papers for this meeting.

10. The Eurobarometer survey shows that a large proportion of Europeans are of the opinion that discrimination is widespread in their country (64%). On average 51 % of Europeans think that not enough effort is being made in their country to fight discrimination and they would like to see this change.

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11. The survey also highlights that awareness of the existence of anti-discrimination laws in the EU remains quite low. It states that disability is the only type of discrimination which more than half of the European public knows is prohibited by law when hiring employees. The public is least aware of legislation prohibiting discrimination on the basis of age (31%) and sexual orientation (30%). Only one third of European Union citizens (32%) know their rights should they become a victim of discrimination or harassment.

12. The survey also asked participants what they considered to be the main areas in which discrimination takes place. The results showed that discrimination based on ethnic origin is felt to be the most widespread (almost 2 Europeans out of 3, or 64%; however, results vary widely between countries). Around one in two Europeans considers discrimination based on disability and sexual orientation to be widespread. Discrimination on the basis of age (46%), religion or beliefs (44%) and gender (40%) are also felt to occur, albeit at to slightly lesser extent.

13. Further findings of the survey indicate that a broad majority of European citizens believe that being disabled (79%), being a Roma (77%), being over 50 (69%) or having a different ethnic origin (62%) is a disadvantage in their society. In all but four Member States, a majority of citizens consider that people of a different ethnic origin than the rest of the population enrich the national culture.

14. In terms of obtaining employment, the survey found that European citizens were of the view that disability and age were the two factors which put people at most disadvantage. There was broad support for steps to be taken to eradicate discrimination in employment, ranging from 87% in favour of measures for disabled and older people, to 66% in favour of measures dependent on people’s sexual orientation.

Young peoples’ stories

15. One of the most compelling sessions of the whole event was the feedback from a group of young people who had met prior to the launch to discuss their vision for equalities in Europe. A selection of their comments are detailed below:

- “attitudes are the real disability”
- “minds are like parachutes – they only function when they are open”
- “they see what they want see, but they don’t see me”
- “people who witness discrimination often turn away”
- “we are all, first and foremost, human beings”
- “Islamophobia is alive and well in Europe today”
- “suspicion, stereotype and discrimination are part of daily life and supported by the media”
- “replace normality glasses with diversity glasses”
Panel sessions

16. Two panel sessions were held during the event, made up of Government Ministers, senior NGO representatives and academics from a range of Member States. They were asked to specify the improvements in equalities that they would like to see across Europe. Their comments included the following:

- assistance and encouragement needs to be provided to those states who have more to do on equalities
- common methods of monitoring and assessing inequality need to be devised
- proactive approach required in certain areas (e.g. Roma gypsies)
- EU policies need to be reviewed and developed based on good practice
- there is a need to increase public awareness of the benefits of diversity and increasing opportunities for all citizens
- people need to be seen for what they are and have their attributes recognised
- there needs to be a reconciliation of work and family life
- the opportunity must be provided for all citizens to have a voice – capacity building in NGOs and communities essential
- businesses need to understand that discrimination has no place in the workplace if they are to develop and grow
- the difference between “tolerance” and “respect” needs to be recognised
- a framework on racism and xenophobia should be passed by the European Parliament
- all Member States should sign the Diversity Charter
- there needs to be a willingness by the EU and Member States to accept and act on recommendations for change to achieve positive outcomes
- hope that the young people who addressed the conference can in 30 years point to the changes made to address their concerns
- the output from the EYEOA should be a list of concrete, achievable objectives to take the equalities agenda forward
- hope that future EU Barometer will show a direct improvement as a result of the EYEOA.

Workshops

17. Delegates attended themed workshops during the conference designed to identify barriers and suggest the action required to address these. The key issues to emerge from these workshops were as follows:

“Rights – making legislation work” workshop

- there should be no hierarchy in equalities – there should be equivalent protection for all strands
- effective mainstreaming is essential at EU & Member State level to ensure coherence of policy development and implementation
• there is a need to review and further develop EU legislation in relation to transgender people and Roma gypsies
• increased awareness essential if legislation is to be effective
• role of NGOs – EYEOA should be a marker to provide increased governmental support
• important that accessible and straightforward processes are in place to allow cases to be taken forward through justice system
• there needs to be a greater understanding of discrimination by judges

“Representation – making all voices heard” workshop
• data collection important to help under-represented groups and to understand the problems they face
• there is a need for long-term, sustainable funding for NGOs who can help under-represented groups and co-ordinate support from all sectors
• positive action programmes are important and necessary
• immigrant groups in particular suffer from a lack of representation
• political leadership essential to develop strategic policies
• media have some responsibility for negative attitudes and must be trained in techniques to increase visibility of under-represented groups

“Recognition – highlighting the benefits of diversity” workshop
• important to highlight the benefits of social/cultural/political diversity

“Respect – eliminating stereotypes and prejudices” workshop
• need to develop a culture of respect
• need to make distinction between negative stereotypes and prejudices
• media strongly based on stereotypes and needs to focus on positive nature of diversity
• need to communicate ideas and ambitions on equalities using the media – use of role models may assist in this
• important role for education systems, starting as early as possible (i.e. kindergarten/early years)
• awareness raising is essential and debate required at all levels if negative attitudes are to be addressed
• EYEOA must not be just another EU theme year – it must result in tangible change and concrete benefits

Contacts

18. Contact was made with a range of pan-European equalities organisations, notably the European Disability Forum. It was agreed that the Clerk would forward a copy of the Committee’s Disability Inquiry report to the Forum and would identify further opportunities for engagement and information exchange with other organisations.
Future EYEOA activity

19. The EYEOA launch event set out a high level vision for equalities across the EU. Many examples of discrimination and remaining inequality were identified but the clear message was that it was fundamental to the future success of the EU that these be addressed as matter of priority. There was a strong view amongst participants that there needed to be positive outcomes and progress made during the Year and that it should not just consist of a series of conferences and seminars.

20. There will be a number of events taking place across the EU during the EYEOA and a major conference will be held in Lisbon in December 2007 under the Portuguese Presidency to debate the activities of Member States, to identify priorities and agree a strategy for taking these forward.

Recommendations

21. The Committee is invited to agree that the Committee’s legacy paper should include a recommendation that the successor committee might wish to:

- monitor the EYEOA events and projects which take place in Scotland and that opportunities be identified for participation by Committee members
- consider taking evidence from stakeholders at the end of the EYEOA to discuss the activities in Scotland and consider the output from these
- monitor the EYEOA activities across the EU and to identify appropriate opportunities for participation.

Cathy Peattie MSP
Convener
March 2007
Purpose

1. The purpose of this paper is to bring to the Committee’s attention a letter which the Convener has received from the Chair of the Equalities Coordinating Group (ECG) in Scotland expressing concerns about the proposals for the structure of the Commission for Equality and Human Rights as these relate to Scotland.

Background

2. The Commission for Equality and Human Rights (CEHR) was established by The Equality Act 2006 and will come into being in October 2007.

3. The work of the current equality Commissions, the Disability Rights Commission, the Equal Opportunities Commission and the Commission for Racial Equality, will be integrated into the new CEHR. The CEHR will also promote equality and tackle discrimination in relation to sexual orientation, age and religion or belief – areas that are not covered by the existing equality Commissions.

4. The powers, duties and functions of the CEHR are all applicable in Scotland, with the exception of the human rights obligations, which are limited in Scotland to reserved issues only. Devolved human rights issues will be dealt with by the Scottish Commission for Human Rights (SCHR).

5. There will be one CEHR Commissioner with a specific remit for Scotland who will chair a Scotland Committee, which will oversee the work of the CEHR in Scotland and advise the CEHR on the exercise of its functions in Scotland. An announcement on the appointment of the Scotland Commissioner is expected in the next few weeks.

6. There is to be a Disability Committee and this will also operate in Scotland. The Scotland and Disability Committees are expected to liaise on disability issues relating to Scotland.

7. The CEHR has specific duties to advise the Scottish Executive and the Parliament on equality issues in relation to devolved legislation, and to monitor legislation in relation to Scotland to ensure that it is in keeping with the equality enactments. The CEHR can also advise the Scottish Executive and the Parliament on positive steps that can be taken to promote equality in Scotland.
8. Trevor Philips has been appointed Chair of the CEHR and Dr Nicola Brewer was appointed Chief Executive on 22 December 2006. Discussions are currently taking place on proposals for the organisational design and structure of the CEHR.

**Correspondence from the ECG**

9. The Convener has received a letter from the Chair of the ECG (copy attached at Annex A) which highlights the Group’s concerns about the current proposals for the organisation’s design. Specifically, they are concerned that these do not include proposals for Scotland and Wales to be represented in their own right on the CEHR Senior Management Team and that it is not clear how their interests might be properly represented in the management structure which has been proposed.

10. The ECG has requested the Committee’s support for its objective of ensuring that the organisational design of the CEHR has a strong and central role for the Scotland office and that it has appropriate seniority and functions to be able to take forward the CEHR’s work in Scotland effectively. It considers this to be necessary to fully take into account the importance of devolution, the functions delegated to the Scotland Committee and the need to preserve the positive stakeholder relationships and working partnerships that are currently in place.

**Discussion**

11. The Committee is invited to discuss the correspondence from the ECG and to consider whether it wishes to take any action in response to it.

*Steve Farrell*
*Clerk*
*March 2007*
EQUALITIES COORDINATING GROUP


reply to:
Adam Gaines, Director Scotland, Disability Rights Commission,
Riverside House, 502 Gorgie Road, Edinburgh, EH11 3AF

Ms. Cathy Peattie,
Convener,
Equal Opportunities Committee,
Scottish Parliament,
Edinburgh,
EH99 1SP.

Dear

I am writing to you following a meeting of the Scottish Equalities Coordinating Group (ECG) on 26th February, at which concerns were raised by members about new information relating to the outline proposals concerning the Commission for Equalities and Human Rights’ (CEHR) future profile and positioning in Scotland. A letter sent from the Chair / CEO to all existing Commission staff on 23rd February described five core directorates for the new body, the heads of which would form the Senior Management Team (SMT) reporting to the CEO. It is clear from this that Scotland and Wales are not proposed at this stage to be represented in their own right on the Senior Management Team but it was not obvious how they might fit under the proposed five directorate structure.

The letter went on to say that they were still "considering how best to reflect the important roles of Scotland and Wales in the organisational structure, but would expect the heads of the Scotland and Wales offices to also have significant Britain-wide functional responsibilities".
The ECG expressed shared concern that as it stands such an arrangement risks:

- not adequately reflecting the importance and needs of Devolution within the core functional proposal
- Insufficiently being able to effectively support the work of the Scotland Commissioner and Committee
- not being sufficiently able to ensure Scottish issues are fully reflected in the development, planning and implementation of the commission’s work
- not recognising the need for the Head of Scotland to have direct access (or to be able to report directly) to the CEO
- not appreciating the extensive need for the Head of Scotland to be focussed on Scottish needs/priorities and potentially undermining the positive stakeholder relationships that and working partnerships that are currently invested in.

The ECG wished to draw these concerns to the attention of the Equal Opportunities Committee and seek support for the continued high profile of the equalities and human rights agenda in Scotland under the CEHR, given the Committee’s helpful and longstanding interest in ensuring appropriate and effective arrangements for the CEHR in Scotland.

Yours sincerely,

Adam Gaines,
Convenor, Equalities Co-ordinating Group.