



List of questions to be discussed during the meeting of 26-27 November

LITIGATION - INQUIRIES

- **Equality bodies in litigation:** what kind of procedural challenges need to be overcome at national level and what are potential solutions? (e.g. acting as the state against the state, civil servants in litigation, need for a registered lawyer, limitation periods)
- **Equality bodies in litigation:** List the pros and cons and compare the different ways for equality bodies to intervene in court as described in Article 10:
 - right to submit observations to the court
 - right to initiate court proceedings on behalf of one or several victims
 - right to participate in court proceedings in support of one or several victims
 - right to initiate court proceedings in its own name, in order to defend the public interest
- **Inquiries:** What kind of framework could be put in place to enable equality bodies to carry out fact-finding? How would you define “effective rights to access information and documents that are necessary to establish whether discrimination has occurred”? What are the challenges and solutions when another competent body is put in charge of inquiries?
- **Impartiality:** In which cases is it appropriate that the impartial exercise of equality bodies is guaranteed? What kind of measures/procedures can be adopted to ensure it?

OTHER POWERS

- **Promotion and prevention:** What are all the possible activities that equality bodies can undertake in order to promote equal treatment and prevent discrimination?
- **Alternative dispute resolution (ADR):**
 - What are the pros and cons of entrusting equality bodies to lead the ADR? What are the pros and cons of having another competent entity in charge of ADR?
 - What are the pros and cons of the different types of ADR (Mediation, Conciliation, or another type)
- **Opinions and decisions:** What are the pros and cons to entrust equality bodies to issue non-binding opinions or binding decisions? What follow-up and/or enforcement mechanisms could be foreseen?



Expert group on the implementation of EU Equality Law



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- **Consultation**: How, when and on what should equality bodies be consulted, to make sure that (a) the government and relevant public authorities benefit from their expertise and (b) equality bodies are not overburdened?

INDICATORS

Please read carefully, discuss and complement the draft indicators submitted by the Commission. Do you have any suggestions to improve the draft?

For the first discussion, you will have to choose two topics to discuss among:

- 1/ Promotion and prevention
- 2/ Accessibility (horizontal)
- 3/ Reports/strategic planning
- 4/ Consultation
- 5/ Data collection

For the second discussion, you will have to choose two topics among:

- 1/ Assistance to victims (complaints)
- 2/ Alternative dispute resolution
- 3/ Inquiries
- 4/ Opinions/decisions
- 5/ Litigation

INTERVENTIONS by participants

On 26th November in the afternoon, there will be opportunities:

- to briefly share existing good practices on assistance to victims (complaints handling as referred to in Article 6 of the Directives) and reports (Article 17 of the Directives)
- to discuss topics suggested by participants that would still deserve an exchange of views between peers (including topics relevant for only some Member States, for example federal structure, multi-mandate bodies, etc.)